



019-012

Exhibit 19

ER 1010



020-001

Exhibit 20

ER 1011

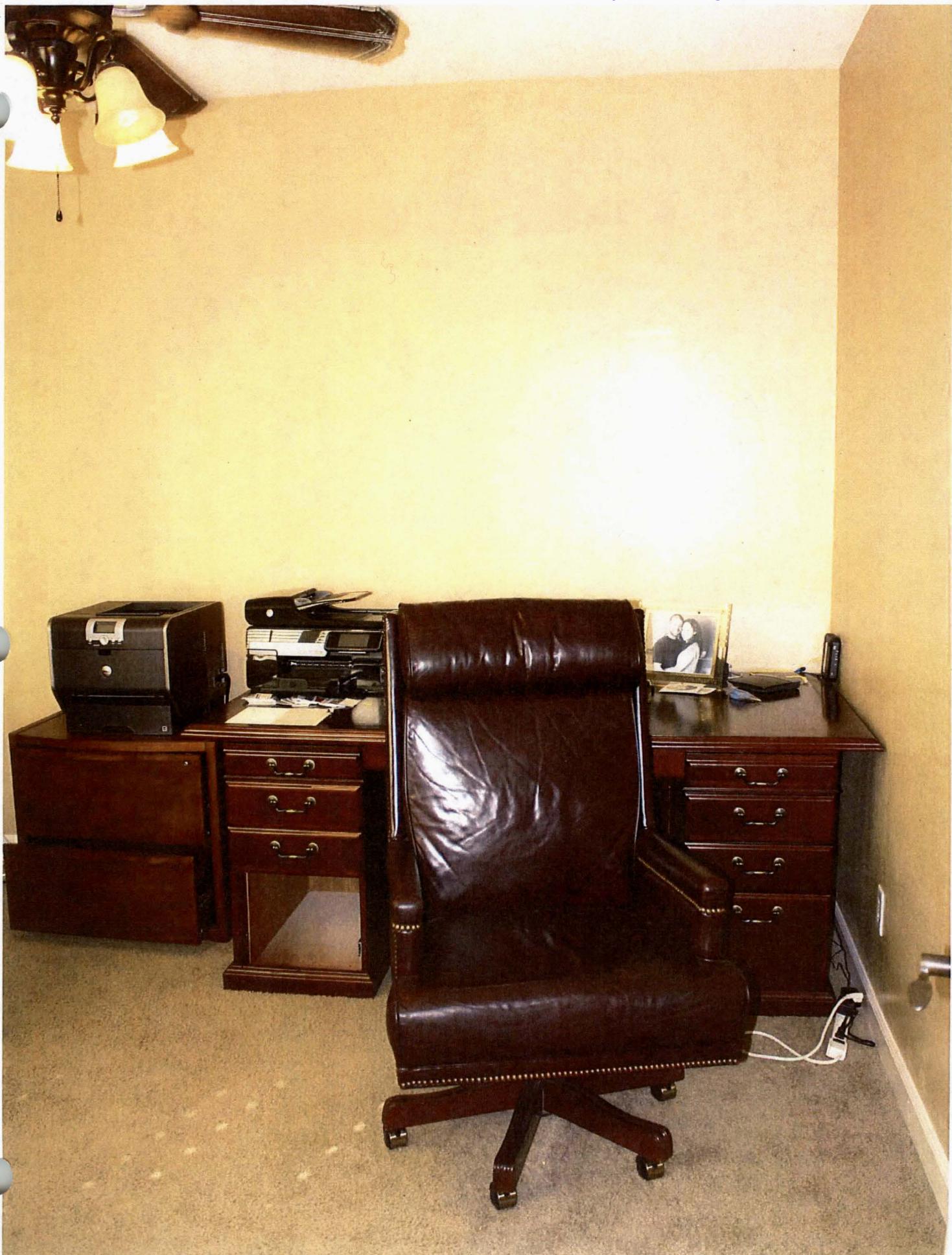


Exhibit 20

ER 1012
020-002



020-003

Exhibit 20

ER 1013

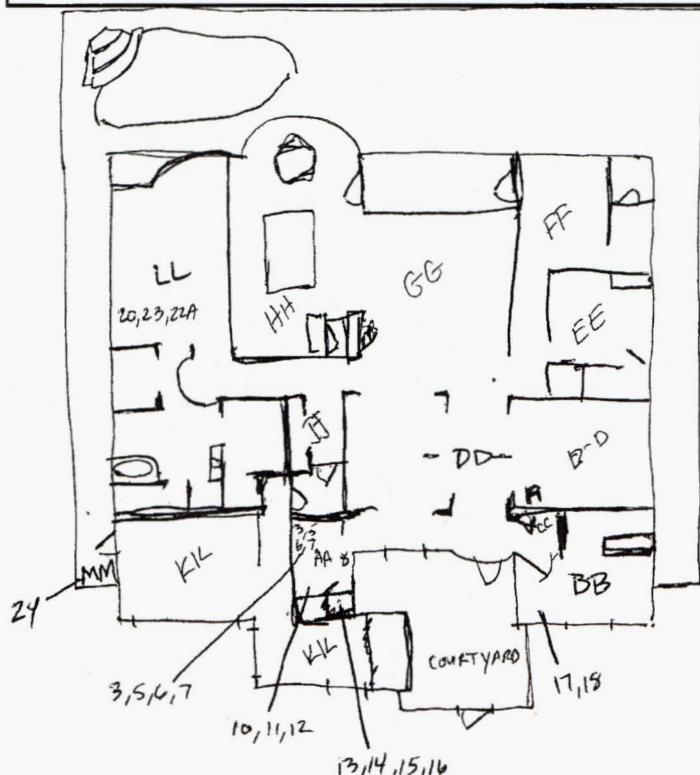


DIAGRAM/SKETCH

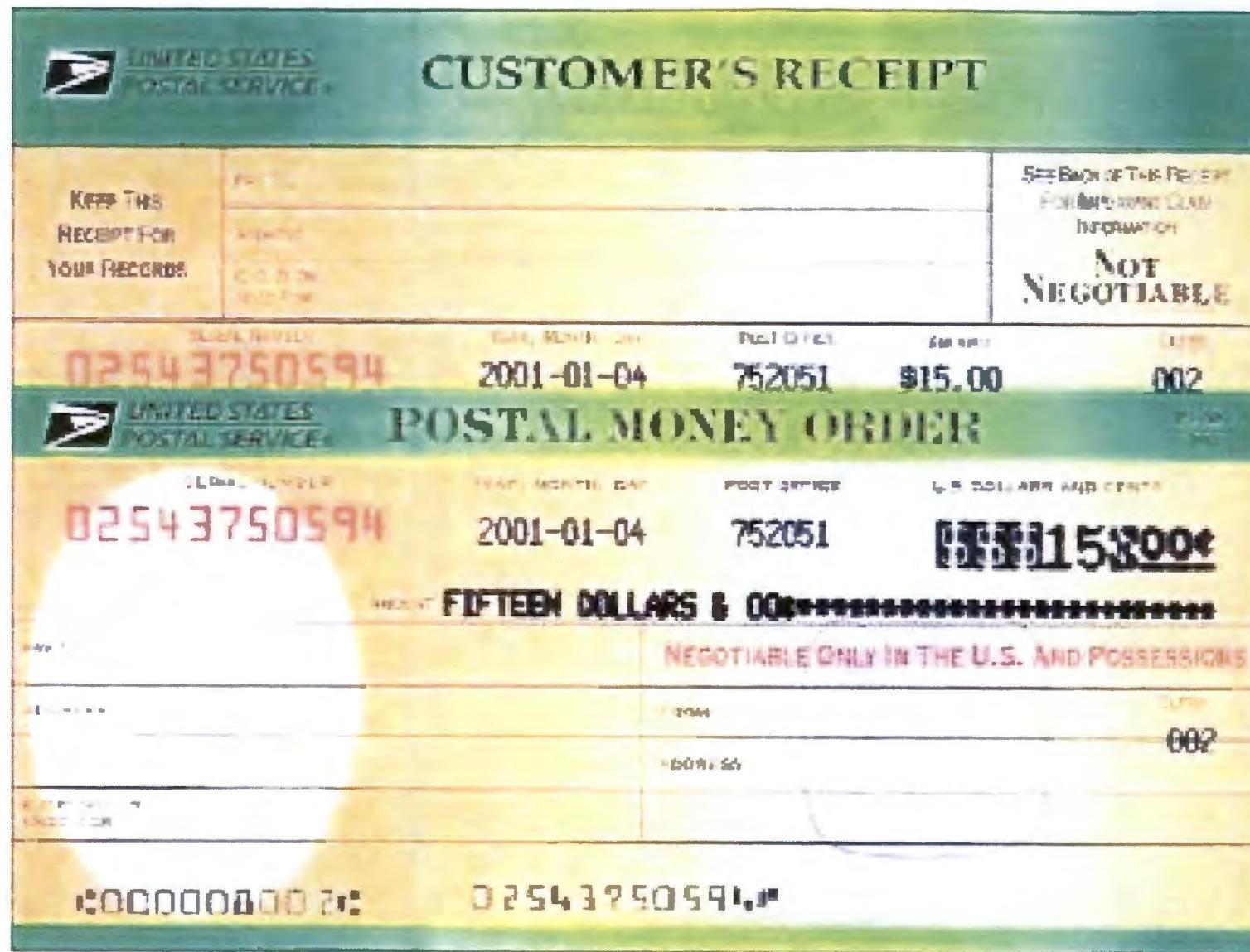
PAGE 1 OF 1

GENERAL INFORMATION	REFERENCE
DATE <u>5/4/13</u> CASE ID <u>346-PX-2716500</u> LOCATION <u>7158 E. SANDIA CIR, MESA, AZ 85207</u> PREPARER/ASSISTANTS <u>ADAM NIXON</u>	SCALE or DISCLAIMER COMPASS ORIENTATION EVIDENCE FIXED OBJECTS MEASUREMENTS KEY/LEGEND 

* NOT TO SCALE



029-001









109190053302039 88110893P 90



109190053302039 88110882P 90

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

16 Defendant Gordon Leroy Hall has sent to the Clerk of the Court two documents,
17 both seeking dismissal of this action. Both are groundless. However, Defendant is
18 represented by counsel and may not file court papers on his own.

19 IT IS THEREFORE ORDERED that the Clerk not file the two papers submitted
20 by Defendant and that the Clerk mail the originals to Defendant's counsel of record.

21 DATED this 10th day of April, 2015.

22
23
24

Neil V. Wake
United States District Judge

25
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NOTICE

Registered Agent,
Gordon Leroy Hall
CCA, P.O. Box 6300
Florence, Arizona

THIS DOCUMENT IS NOT IN PROPER FORM ACCORDING
TO FEDERAL AND/OR LOCAL RULES AND PRACTICES
AND IS SUBJECT TO REJECTION BY THE COURT.

REFERENCE CV S-1

(Rule Number/Section)

21 April 2015

Clark of Court/Appointed Trustee
United States District Court
401 W. Washington St., SPC-1
Phoenix, Arizona 85003-2118

FILED	RECEIVED	LODGED COPY
APR 27 2015		
CLERK U.S. DISTRICT COURT		
DISTRICT OF ARIZONA		
BY DEPUTY		

RE: Possible Misguided Forwarding of Documents

Case: 2:14-cr-00184-NVW

Dear Clerk of Court/Appointed Trustee:

It seems that my efforts to return the property in good faith pursuant to Title 12 USC 950(2) and Title 50 USC, Appendix §1-44 are possibly misguided. I do not intend to shirk my personal responsibilities as the registered agent with the duty to forward the property and all legal process to or for the account of the United States. Forgive me!

I am requesting your assistance to remedy (if needed) immediately any error, either by allowing me to send someone to pick up the documents possibly mistakenly received by the

by the court, or I am willing to compensate you or the party responding for time and expense to forward the property to the owner-operator of the account made to the Governor of the State of California the executive head of the state owned defendant entity known as GORDON LEROY HALL.

Please respond faithfully to the undersigned as to your choice in the matter.

If you fail to respond in writing to the undersigned registered agent I will accept your silence as an agreement between the parties that my good faith effort to fulfill my personal responsibilities in the capacity of registered agent for the defendant have been executed by you in my behalf by forwarding said documents and process to the appropriate administrative official to resolve the matter in priority with Title 12 USC 95a(2) and Title 50 USC, appendix §1-44. Said official in my present understanding being the Governor of the State of California being the administrative head of the State owned defendant GORDON LEROY HALL.

Respectfully,
By: Linda Lucy Hall

REGISTERED AGENT

cc: Honorable, Neal V. Wake

AFFIDAVIT OF SERVICE

Pinal County, 2 affixed and Subscribed
Arizona State,

It is hereby certified that on the 23 day of April 2015, the Undersigned mailed to:

ORIGINAL:

COPY:

Clark of Court /Appointed Trustee Honorable Neal V. Wake
United States District Court U.S. District Court
401 W Washington St., 8th Fl. 401 W. Washington St., 8th Fl.
Phoenix, Arizona 85003 Phoenix, Arizona 85003

hereinafter "Recipients" the documents and sundry papers regarding Case: 2:14-cr-00184 as follows:

1. NOTICE letter regarding possible misguided forwarding of documents (2 pages), dated 21 April 2015

A total of three (3) pages including this AFFIDAVIT OF SERVICE by placing into a mail receptacle at CCA Florence Arizona properly addressed to Recipients above.

I, Benton Tyler Thomas, certify under penalty of perjury under the laws of the United States of America the foregoing is true and correct.

Benton Tyler Thomas
1155 N. Pinal Parkway
Florence, Arizona

ER 1023

1 STEPHEN C. KUNKLE, PLLC
2 Stephen C. Kunkle, Attorney at Law
3 5150 North 16th Street, Suite A-222
4 Phoenix, AZ 85020
5 AZ State Bar # 016239
6 Tel: 602.266.6900
7 Fax: 602.256.1121
8 E-mail: Kunkle@msn.com

9 ATTORNEY FOR DEFENDANT Gordon Hall

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

26 UNITED STATES OF AMERICA, } Case No:CR14-184-PHX-NVW (MHB)
27 Plaintiff, } **MOTION TO CONTINUE**
28 } **SENTENCING**
29 vs. }
30 Gordon Leroy Hall et al, } (Second request)
31 Defendant } ***Defendant in custody***

32 Comes now the defendant, GORDON LEROY HALL, by and through
33 undersigned counsel, STEPHEN C. KUNKLE, and respectfully requests that this
34 Court grant a brief continuance of the sentencing set for next week, June 15, 2015,
35 in the above-captioned matter for the following reasons, and reset the sentencing, if
36 possible, in for another 30 days, allowing for the Court's and the Government's
37 counsel's respective trial schedules, if practicable, for the following reasons set
38 forth herein.

39 This motion is based on the following circumstances and reasons.

40 It is not expected that excludable delay under Title 18 U.S.C.
41 §3161(h)(1)(A) and (F) will occur as a result of this motion or from an order based
42 thereon.

1 As of this writing, and unfortunately rather late in the process, the pre-
 2 sentence report has never been reviewed with Mr. Hall by this counsel. At the time
 3 of the first motion to continue sentencing, and because of counsel's scheduling
 4 issues having undertaken employment at the Maricopa County Office of the Legal
 5 Advocate, that had not been done. However, since that time, counsel has
 6 endeavored to visit twice with Mr. Hall. Nonetheless, Mr. Hall has not yet
 7 reviewed the pre-sentence report.

8 In short, the attorney-client relationship, such as it may exist on any level
 9 between this counsel and Mr. Hall has ceased to exist. Without revealing too much
 10 in a public record, it is sufficient to note that the second visit (this week) lasted
 11 approximately 15 to 20 minutes and accomplished absolutely nothing, unless the
 12 statements made by Mr. Hall to this attorney have some value for his agenda.

13 Concomitantly with this motion, counsel believes he must move this court to
 14 withdraw as counsel, as representing Mr. Hall has become somewhat a game of
 15 charades.

16 This counsel is also aware that he may not be relieved of his duties, and
 17 would also respectfully request that this Court allow additional time, as necessary,
 18 for counsel to undertake representation of Mr. Hall *without his cooperation* and
 19 grant an additional period of time for this counsel to do that representation, and
 20 make objections to the pre-sentence report without any input or consultation that
 21 involves Mr. Hall.

22 Either way, this counsel is unprepared to go forward with sentencing Mr.
 23 Hall on Monday, June 15, 2015, and would also respectfully request that the time
 24 allotted for sentencing now, be dedicated to hearing a motion to withdraw.

25 Undersigned counsel has conferred with the assigned Assistant United States
 26 Attorney, Lisa Jennis, who has stated that she has no objection to a continuance of
 27 the sentencing in this matter.

1 The remaining co-defendant (Brandon Adams) has pleaded guilty and is
2 awaiting sentencing.

3 Mr. Hall is currently serving a sentence in a South Carolina matter of fifteen
4 years, and thus, there is little prejudice to him should the court grant this
5 continuance.

6 And, provided that the Court grants this motion to continue, it is also
7 respectfully requested that the time period for filing formal objections, if any, to
8 the draft pre-sentence report be extended for a commensurate period of time. In
9 anticipation of any possible objections, counsel undersigned has alerted the
10 assigned United States Probation Officer of this issue; she will also receive a
11 courtesy copy of this motion.

12 WHEREFORE, the defendant respectfully requests that this Court grant a
13 continuance of the sentencing to allow for resolution, if any, of the attorney-client
14 issues bedeviling the relationship at this time, and also allow an additional period
15 of time for the making of any formal objections to the pre-sentence report,
allowing for due diligence and the schedule of the court and the parties.

16 RESPECTFULLY SUBMITTED
17 Dated this 11th day of June 2015

18 By: /s/Stephen C. Kunkle
19 Stephen C. Kunkle
20 Attorney for Defendant

1 I hereby certify that on June 11th 2015, I electronically transmitted the
2 attached document to the Clerk's Office using the CM/ECF system for filing and
3 transmittal of Notice of Electronic Filing to the following CM/ECF registrants:
4

5 The Honorable Neil V. Wake
6 United States District Court Judge
7

8 Clerk of Court
9 United State District Court
10

11 And additional copies to:
12

13 Lisa Jennis
14 Assistant United States Attorney
15 40 North Central Avenue
16 Phoenix, AZ 85004
17

18 Tey'a Chappell
19 United States Probation Officer
20
21
22
23
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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

WHEREFORE, the defendant GORDON LEROY HALL, having filed a

11 Motion to Continue the Sentencing currently set for June 15, 2015 and without
12 objection from the Government,

IT IS ORDERED that sentencing in this matter is continued to

2015.

IT IS FURTHER ORDERED that objections, if any, to the draft pre-sentence report be filed by 2015.

Dated this _____ day of June 2015.

Hon. Neil V. Wake
U.S. District Court Judge

STEPHEN C. KUNKLE, PLLC
Stephen C. Kunkle, Attorney at Law
5150 North 16th Street, Suite A-222
Phoenix, AZ 85020
AZ State Bar # 016239
Tel: 602.266.6900
Fax: 602.256.1121
E-mail: Kunkle@msn.com
ATTORNEY FOR DEFENDANT G

ATTORNEY FOR DEFENDANT Gordon Hall

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
GORDON LEROY HALL et al,
Defendant
} Case No:CR14-184-PHX-NVW (MHB)
} **MOTION TO WITHDRAW AS
COUNSEL**
}

Comes now undersigned counsel, STEPHEN C. KUNKLE, and respectfully requests that this Court permit undersigned counsel to withdraw from further representation of the defendant Gordon Leroy Hall for the reasons set forth herein.

Counsel understands his obligations to this Court, and to his client, Mr. Hall, but is also conflicted because his representation of Mr. Hall has degenerated into the abyss of non-existence as productive communication with Mr. Hall has ceased.

Counsel further submits that should he continue to represent Mr. Hall while laboring within the construct of the current relationship, which is no relationship at all, that counsel would be committing numerous ethical violations, including but not limited to ER 1.1 (*Competence*); ER1.4 (*Communication*); ER1.14 (*Client with*

1 *Diminished Capacity); ER1.16 (Declining or Terminating Representation); ER3.1*
 2 *(Meritorious Claims and Contentions); ER 3.5 (Impartiality and Decorum of the*
 3 *Tribunal); ER 6.2 (Accepting Appointments); ER 8.4 (Misconduct). Rule 42, Rules*
 4 *of the Arizona Supreme Court.*

6 Essentially, and without revealing the contents of the most recent
 7 communications with Mr. Hall, counsel believes that he must move this Court to
 8 withdraw to remain consistent with his professional obligations as there is a
 9 definite conflict within the attorney-client relationship.

11 Mr. Hall has his right to conflict free representation. *United States v. Moore*,
 12 159 F.3d 1154, 1157 (9th Cir. 1998). This counsel also further understands that
 13 not every conflict between a lawyer and his client implicates Sixth Amendment
 14 concerns, particularly where the nature of the conflict and the extent of that
 15 conflict may be attributable to the conduct of the client. *Schell v. Witek*, 218 F.3d
 16 1017, 1027 (9th Cir. 2000). And, in this case, what the contours of the relationship
 17 will be, whether meaningful or not, is a matter which is best determined by the
 18 Court. *See e.g. Morris v. Slappy*, 461 U.S. 1, 3-4, 103 S. Ct. 1610, 75 L.Ed.2d 610
 19 (1983).

23 Nonetheless, this has created an issue which needs to be addressed by this
 24 Court prior to proceeding further with critical stages of the case against Mr. Hall,

1 which on the eve of sentencing, where Mr. Hall potentially faces 25 years, and
2 which is especially troubling to this counsel.

3
4 In this case, and as this Court is well aware, there have been previous
5 proceedings concerning Mr. Hall's competency to proceed to trial, which again
6 came in the context of this counsel's efforts to understand Mr. Hall during the
7 months of November and December when trial was but a possible resolution to this
8 case. *United States v. Garza*, 751 F.3d 1135 (9th Cir. 1135).

9
10 Further, counsel is aware of the fact that Mr. Hall has been denied the right
11 to represent himself in earlier proceedings; there is nothing which, in this counsel's
12 estimation, would change if Mr. Hall is allowed at this stage of the proceedings to
13 represent himself now, even if by his conduct he may have forfeited his right to
14 appointed counsel on his behalf. *Illinois v. Allen*, 397 U.S. 337, 343, 90 S. Ct.
15 1057, 25 L.Ed.2d 353 (1970); *see also United States v. Sutcliffe*, 505 F.3d 944,
16 954-957 (9th Cir. 2007). And, even if this Court were to permit counsel to
17 withdraw, it is not inconceivable that new counsel would face the very same
18 obstacles in representing Mr. Hall.
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1 However, and because of the complete lack of communication between this
 2 counsel and Mr. Hall, there are grave concerns about whether Mr. Hall would have
 3 any representation at all.¹

4

5 Counsel respectfully requests that this Court hold an *ex parte* sealed hearing,
 6 on Monday, at the time initially set for sentencing, so that any confidential or
 7 privileged communications heard by the court from either counsel or the defendant
 8 regarding the current status of the attorney-client relationship remain inviolate.

9

10 At that hearing, and after hearing from Mr. Hall and counsel and making any
 11 inquiry, counsel respectfully requests that the Court determine whether this conflict
 12 undermines the representation of Mr. Hall to the point where he has no
 13 representation and whether or not this counsel should continue to act as his

15 ¹ Counsel also acknowledges that this motion is filed on the eve of sentencing but
 16 would assure this Court that this is not for purposes of delay, as there is no tactical
 17 or strategic advantage for delay on behalf of Mr. Hall or for counsel. As an
 18 example, counsel earlier this day filed a motion to continue sentencing (Doc. 140).
 19 Sentencing is set for Monday June 15 and as of this writing, counsel has not been
 20 able to even broach any form of mitigation with Mr. Hall's cooperation, or to
 21 clarify aspects of the pre-sentence report or formulate any objections to the report.
 22 Counsel, in the motion to continue sentencing alluded to the fact that he would be
 23 filing a motion to withdraw as well, which he is now writing. In the eight hours in
 24 which the Court has reviewed and denied that motion to continue (which, again, is
 25 not being made for the purposes of delay) counsel was engaged with duties related
 to his new employment. The reality is that because of counsel's leaving private
 practice and commencing full time employment at the Office of Legal Advocate
 there has been limited time to finish this matter (counsel's last CJA appointment)
 and find sufficient time to perform all of the necessary tasks on Mr. Hall's behalf.
 This problem has become especially acute for this counsel in light of personal
 circumstances which have been beyond his control.

1 counsel. *Holloway v. Arkansas*, 435 U.S. 475, 484-85, 98 S. Ct. 1173, 55 L.Ed.2d
2 426 (1978)

3
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5 RESPECTFULLY SUBMITTED
6 Dated this 11th day of June 2015

7 By: /s/Stephen C. Kunkle
8 Stephen C. Kunkle
9 Attorney for Defendant

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1 I hereby certify that on June 11th 2015, I electronically transmitted the
2 attached document to the Clerk's Office using the CM/ECF system for filing and
3 transmittal of Notice of Electronic Filing to the following CM/ECF registrants:
4

5 The Honorable Neil V. Wake
6 United States District Court Judge

7 Clerk of Court
8 United State District Court

9 Ms. Lisa Jennis
10 Assistant United States Attorney
11 40 North Central Avenue, Suite 1200
12 Phoenix, AZ 85004
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)
Plaintiff,)
vs.)
Phoenix, Arizona
Gordon Leroy Hall,) June 16, 2015
Defendant.) 1:50 p.m.
)

BEFORE: THE HONORABLE NEIL V. WAKE, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

(Sentencing)

Official Court Reporter:
Laurie A. Adams, RMR, CRR
Sandra Day O'Connor U.S. Courthouse, Suite 312
401 West Washington Street, Spc 43
Phoenix, Arizona 85003-2151
(602) 322-7256

Proceedings Reported by Stenographic Court Reporter
Transcript Prepared by Computer-Aided Transcription

1 **APPEARANCES:**

2 For the Plaintiff:

3 U.S. ATTORNEY'S OFFICE
4 By: **Lisa Jennis, Esq.**
5 By: **Monica B. Edelstein, Esq.**
6 40 N. Central Avenue, Suite 1200
7 Phoenix, Arizona 85004

8 For the Defendant:

9 STEPHEN C. KUNKLE PLLC
10 By: **Stephen C. Kunkle, Esq.**
11 5150 N. 16th Street, Suite A222
12 Phoenix, Arizona 85016

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1 P R O C E E D I N G S

2 THE COURTROOM DEPUTY: Criminal Case 2014-184-01,
3 United States of America versus Gordon Leroy Hall. This is the
4 time set for sentencing.

5 Counsel, please announce for the record.

13:50:53

6 MS. JENNIS: Good afternoon, Your Honor. Lisa Jennis
7 and Monica Edelstein for the United States along with IRS
8 Special Agent Kathleen Neri.

9 MR. KUNKLE: Good afternoon, Your Honor. Stephen
10 Kunkle on behalf of Mr. Hall, who is present, seated to my
11 right.

13:51:05

12 THE COURT: Good afternoon, counsel. And good
13 afternoon, Mr. Hall.

14 And Ms. Jennis, please pull microphone over toward
15 you.

13:51:16

16 All right. Now, Mr. Kunkle, is Mr. Hall comfortable
17 proceeding sitting at counsel table?

18 MR. KUNKLE: Your Honor, I think in light of what's
19 transpired previously, it would probably be better to proceed
20 in that fashion. I think the marshals may appreciate that as
21 well.

13:51:35

22 THE COURT: Without objection then, we'll proceed and
23 you and Mr. Hall may remain at counsel table.

24 If there's times where you would like to have the
25 better microphone, either counsel may come up to the podium if

13:51:48

1 you prefer. But Mr. Hall may remain at counsel table.

2 All right. Mr. Hall, would you please state your full
3 name and date of birth.

4 THE DEFENDANT: What does this living man that is here
5 before you, not in possession of any property owned or
6 controlled by the State, not a trustee for any defendant in
7 these proceedings or any other proceedings and not in contempt
8 of this Court or any other court have to do at all with these
9 proceedings today?

13:52:17

10 THE COURT: All right. The record will show that the
11 defendant has refused to answer the Court's question and the
12 Court will note that the person present is Gordon Leroy Hall
13 known to the Court from the trial previously conducted.

13:52:39

14 Now --

15 THE DEFENDANT: Let the record show that the
16 non-response --

13:52:53

17 THE COURT: No. You are not allowed to speak unless
18 the Court invites you to speak and you have been given your
19 opportunity. You will keep your silence or you will be removed
20 from the courtroom.

13:53:07

21 THE DEFENDANT: Let the record show the non-response
22 to the substance of my question --

23 THE COURT: -- all right.

24 THE DEFENDANT: -- that my -- that I am not in
25 possession of any property belonging to the state not --

13:53:15

1 THE COURT: All right. Let me ask the marshals how
2 much time would it take to arrange us to have an audio link
3 from the courtroom to the holding cell?

4 THE MARSHAL: Your Honor, we don't know. We would
5 have to check with our supervisor.

13:53:33

6 THE COURT: Actually, Nick can you get that
7 information? We'll pause for a moment while we find that out.

8 Mr. Hall, I am going to arrange to have an audio link
9 from the courtroom to the holding cell if you disrupt the
10 proceeding any further. I will have the marshals remove you
11 from the courtroom, take you right through that door, have you
12 in the holding cell. You will hear everything that goes on.
13 You will have your legal sentencing. Nothing you say will be
14 able to disrupt these proceedings. That's what's going to
15 happen if you disrupt the proceedings one more time.

13:53:48

13:54:03

16 Now, you will have opportunities to speak in these
17 proceedings. The Court will advise you at the time you may
18 speak and you will be heard the full extent it's appropriate.

19 Now, I do want to follow through on that, Nick, and
20 we'll find out however much time we need to make that audio
21 connection.

13:54:19

22 Now, counsel, let me identify the documents I have.

23 I have the plea agreement, the presentence
24 investigation --

25 MR. KUNKLE: There's no plea agreement.

13:54:34

1 THE COURT: I'm sorry. Not the plea agreement.

2 I have the presentence investigation report, I have a
3 paper that was dated received by the clerk of the court April
4 27, 2015, called -- well, it's called Possible Misguided
5 Forwarding of Documents. The document is essentially
6 unintelligible, but to the extent the document seeks anything,
7 it is denied.

13:55:08

8 All right. Counsel, are there any other documents I
9 should have?

13:55:20

11 MR. KUNKLE: No, Your Honor.

12 | THE COURT: All right. And

12 THE COURT: All right. And when determining the
13 sentence to be imposed today, I will consider the factors
14 specified in Title 18, United States Code Section 3553(a),
15 including the sentencing guidelines and any applicable policy
16 statements published by the US Sentencing Commission, and I
17 must impose a reasonable sentence. But I am not compelled by
18 the guidelines to impose a sentence within the range determined
19 by application of the guidelines. The sentencing guidelines do
20 not establish a presumption of what the sentence should be or
21 of what is a reasonable sentence, nor is the sentence outside
22 the sentencing guidelines presumed to be an unreasonable
23 sentence. The sentencing guidelines are given no more nor less
24 weight than any other statutory factors. In imposing a
25 sentence, the Court will make an individualized determination

13:55:31

13:55:50

13:56:08

1 based on the facts of this case.

2 Now, would both counsel confirm that they and the
3 defendant have received the presentence report.

4 MS. JENNIS: The United States has received it, Your
5 Honor. 13:56:20

6 MR. KUNKLE: Your Honor, I have received not only the
7 draft presentence report but the final presentence report. And
8 so the record is clear, I have made my efforts to convey the
9 contents thereof to Mr. Hall on more than one occasion,
10 including yesterday. I think we took that up at our ex parte 13:56:38
11 hearing.

12 THE COURT: Yes. Let me state for the record that the
13 ex parte hearing immediately preceding this, Mr. Kunkle has
14 stated in detail the efforts he has made concerning the
15 presentence report including his reading of the entire report 13:56:54
16 to the defendant yesterday. And if there are further
17 proceedings, I'm sure that ex parte proceeding will be unsealed
18 and the Court relies upon the information given in that time to
19 demonstrate that even though the defendant has, in general,
20 refused to cooperate with his attorney with respect to the 13:57:15
21 presentence report, Mr. Kunkle read it to him in substance
22 yesterday. And he had full opportunity to comment, respond, or
23 assist in any way that he wished.

24 Is there anything further you need to say on that?

25 MR. KUNKLE: Nothing, Your Honor. 13:57:32

1 THE COURT: All right. Now, Mr. Kunkle, the Court
2 understands the situation you are in. And I invite whether
3 there are any objections you wish to make to the presentence
4 report. And the Court is aware that your client has not
5 cooperated with you, but with that limit, with that understood,
6 if there are any objections please proceed with them. 13:57:56

7 MR. KUNKLE: Your Honor, yeah, first just so it's
8 clear, when Ms. Chappell and I met with Mr. Hall for the
9 presentence report interview, he refused to be interviewed. So
10 the report reflects that in that the information in the report
11 before the Court, it's my understanding has been gleaned from
12 some information, perhaps, from South Carolina, the case that
13 preceded this, as well as information from prior presentence
14 reports and, I believe, other sources. Ms. Chappell could
15 speak to that further. 13:58:13

16 With respect to objections, Your Honor, no, I did not
17 file any formal legal objections to the report. I did not have
18 any clarifications or modifications to make to the report, to
19 its substance, by virtue of the fact that Mr. Hall chose not to
20 speak with me about the report or have any input whatsoever,
21 any biographical information or educational information. It's
22 my experience usually there's some errors that are made, some
23 statements that are made that we can correct with the probation
24 officer on an informal level. 13:58:51

25 With respect to objections, and I will address this 13:59:06

1 again later on in my comments regarding sentencing, I know you
2 took up yesterday the relevant conduct objection with Mr. Heath
3 and Mr. Adams. And while I could have spun for this Court a
4 memorandum on the effective intended loss I had been down that
5 road before, and I think that I didn't want to, in the current
6 posture of the case, file anything that would be considered
7 frivolous or not supported by substantive arguments that don't
8 have merit, I think, to the Court. So in terms of the
9 objections I will speak to that a little later in terms of the
10 sentencing options before this Court in terms of a variance
11 issue. 13:59:31

12 But there's no objections per se to the relevant
13 conduct of the 93 million or the leadership roles at this
14 point. 13:59:49

15 THE COURT: And we discussed this at length yesterday
16 in Mr. Adams' proceeding, which Mr. Hall was not here present
17 for. But counsel recall what transpired, and I believe the
18 short of it is that the guideline calculations with respect to
19 the loss amount, or however we characterize it, in my view,
20 really don't matter much in this case; that the amounts lose
21 significance compared to the primary statutory purpose of
22 sentencing that the Court must consider in fashioning a
23 sentence in this case. That's another way of saying whether I
24 do calculate it, I would, as I did before, at the \$93 million
25 the presentence report states, but I don't view that as being 14:00:00

14:00:27

14:00:53

1 of real consequence for the sentencing. We will focus on -- it
2 is a number that is too high to be useful in all the
3 circumstances of the case. And we'll proceed to consider the
4 statutory purpose of sentencing in a more focused way.

5 Now, just trying to make a clear record here, was 14:01:14
6 there anything further, Mr. Kunkle?

7 MR. KUNKLE: No. Not on that issue, Your Honor.

8 THE COURT: On any objection? The matters for
9 allocution for sentencing and judgment we'll save for later.
10 But in terms of the presentence report and the guideline 14:01:32
11 calculations, do you have any other points?

12 MR. KUNKLE: No, Your Honor. And I believe that Ms. 14:01:45
13 Chappell got the numbers correct and the calculations are
14 correct in the presentence report. And with respect to Mr.
15 Hall's criminal history, I had no reason, I did do some
16 independent research obviously from some discovery provided by
17 the government through Pacer, so I believe those calculations
18 are correct, too. There's no objections there.

19 THE COURT: Right. All right. The defendant has been
20 tried and been found guilty by the jury. Pursuant to the 14:02:19
21 verdict of the jury, it is the judgment of the Court that the
22 defendant is guilty on Counts 1 and 2 each of aiding -- aid and
23 abet making fictitious instrument, in violation of Title 18,
24 United States Code Section 2 and Section 514(a)(1); and on
25 Counts 3 and 4 both of aid and abet using fictitious instrument 14:02:45

1 in violation of Title 18, United States Code Section 2, Section
2 514(a)(2).

3 The Court finds that the offense level computations,
4 the total offense level, the defendant's criminal history
5 category, and the applicable ranges are as stated in the
6 presentence investigation report. 14:03:09

7 Mr. Kunkle, would you prefer to allocute first or
8 after the government?

9 MR. KUNKLE: I'd like to go last, Your Honor. I like
10 to hear what the home team has to say first. 14:03:23

11 THE COURT: On the other hand, you need the
12 opportunity to persuade her, too.

13 MR. KUNKLE: I have given up on that with Ms. Jennis,
14 Your Honor.

15 THE COURT: I know that's tongue in cheek. 14:03:36

16 Ms. Jennis, I will hear your allocution on behalf of
17 the government.

18 MS. JENNIS: Your Honor, would you like me to
19 approach?

20 THE COURT: Yes. Please. The microphone is better
21 there. 14:03:44

22 MS. JENNIS: Just as a quick note, there was a
23 misspelling in Paragraph 43 of the PSR. His youngest child is
24 not Alexander but Alexandria. I did speak with the probation
25 officer earlier, but I didn't know her name. I have been 14:04:06

1 informed it's Alexandria. She is 20.

2 THE COURT: It is ordered that Paragraph 23 is
3 corrected to change the name from Alexander to Alexandria.

4 MS. JENNIS: Your Honor is very familiar with the
5 facts of the case having sat through trial, so let's examine
6 his criminal history. 14:04:24

7 In Paragraph 33 of the PSR, it discusses that in 1992,
8 around 1993, the defendant was involved in a conspiracy where
9 they deceived people into investing with them and then stole
10 their money. He received 60 months with three years running
11 concurrent and two years consecutive with another federal
12 conviction that began in 1986 in which Mr. Hall gets involved
13 with the mob in New York City and receives 87 months for his
14 role in a securities fraud scheme. 14:04:43

15 A year after his release he's back in prison after
16 failing to report for both these violations. When he gets out
17 in April of 2009, that's when his sovereign ideology begins.
18 By 2012, he's back to his old shenanigans and agrees to hide
19 property for a defendant involved in a Ponzi scheme. He pleads
20 no contest again in a district court, federal district court,
21 this time in South Carolina to wire fraud and he got 180
22 months. 14:05:31

23 THE COURT: What's the status of that case? Is there
24 any appeal on that?

25 MS. JENNIS: No, Your Honor. 14:05:43

1 THE COURT: All right.

2 MS. JENNIS: He has been serving this 180-month
3 sentence since he was arrested on March 14th, 2013. So I
4 calculated for the Court, it appears he's been serving -- he
5 served 27 months of that sentence.

14:05:59

6 In the 2012 scheme, he involved his son Benton.
7 Benton Hall was born in August of 1991, so he watched his
8 father commit crimes since he was born. And his dad went to
9 prison when he was just six years old. When his father gets
10 out in 2009, Benton is now 18. And what does his dad do? He
11 takes him under his wing and brings him into a life of crime
12 and deception. As you know, Benton was a co-conspirator not
13 only in this case but in the South Carolina case also.

14:06:23

14 His life, since he's been in his 30s, has been about
15 deceit. In the PSR in Paragraph 50, they talk about him lying
16 to gain access to a drug program. He hasn't paid taxes since
17 1984, 21 years. Despite his incarceration for over 10 years
18 back in the '90s, he managed to obtain a 7,260 square foot home
19 in Mesa, Arizona, employ at least six people, and acquire
20 hundreds of followers through social media.

14:06:46

21 In addition, when the FBI, the IRS, and there were
22 many other agencies involved in the search of his residence in
23 May of 2013, it was such a large residence, ATF was involved,
24 HSI, along with the Mesa Police Department, there were coins,
25 valuable gold and silver coins found. There were firearms.

14:07:14

14:07:40

1 And there was a count dismissed for the firearms. But as you
2 can see, Mr. Hall is a felon and can't possess firearms and
3 there were three firearms found in -- well, there were two
4 found in the hidden room in his master bedroom and those were
5 brand new assault rifles. And there was some sort of pistol
14:08:04
6 found in his -- hidden in his master bedroom closet along with
7 ammunition and magazines, et cetera. And there were other
8 firearms found in the residence, but those were in the
9 apartment over the five-car garage which his son Benton
10 resided. And Benton did not have any felony convictions prior
14:08:28
11 to the one in South Carolina and then his second one here.

12 Gordon has about 126 months, by my calculation, giving
13 him credit for good time left on his sentence. He's not been a
14 model prisoner. And as you can see today, and on previous
15 occasions, he's disrupted this Court time and time again. It's
16 important that when sentencing Mr. Hall, a person who has now
17 his fourth federal felony conviction, something that at least
18 in my experience I have not seen before, that the Court give
19 him more time than he's ever received before.

20 So the United States agrees with probation and agrees
14:09:20
21 that he should get a low end of the applicable guidelines which
22 is 292 months and that it be served concurrent to his South
23 Carolina sentence.

24 But that's not all we should talk about. It's
25 certainly important to consider the 3553 factors determining
14:09:39

1 why the United States believes that -- and probation -- that a
2 292 months concurrent sentence is a fair one.

3 The nature and the circumstances of the offense are
4 quite serious. And this is just one scheme of Mr. Hall's many
5 schemes. And this one involved, you know, the printing of the
6 money orders in such a small period of time. It was just a few
7 months it took to get this scheme together and to get all the
8 documentation. I mean, Mr. Hall already had the clients. And
9 to get it into that database and to start churning out those
10 money orders to the tune of \$93 million all to be sent to the
11 IRS. But it wasn't just the IRS. I mean, this is was a giant
12 debt elimination scheme. He didn't use the money orders as of
13 yet for the other elimination of debt, but over time, he filed
14 countless documents and setoff bonds and promissory notes and
15 other kind of ridiculous looking documents. But that took up a
16 lot of paper and killed a lot of trees to eliminate all sorts
17 of debt. No debt wasn't good enough. It could be to post
18 bail. It could be to get rid of credit card debt, mortgage
19 debt.

14:10:01

14:10:24

14:10:47

14:11:07

14:11:29

20 In this case, when the United States decided to charge
21 it and spoke with probation, we limited it just to the loss to
22 the IRS, because that was the only agency at that time that had
23 received money orders.

24 The next relevant factor is the history and
25 characteristics of the defendant. Well, we already discussed

1 there are four federal felony convictions, this being the
2 fourth one. It's bad. And he has made a career of committing
3 crimes. He has not only made a career for himself but he
4 involved his family, his son, his daughter. You saw her
5 testify. They are in the courtroom today. She was employed by 14:11:52
6 him. And he employed a lot of other young people who could
7 have been charged who were not charged, but very young people,
8 people who are 20, 21 years old, a lot of them still live with
9 their parents. And he brought them into his home and he
10 involved them into his scheme. And while he had another child 14:12:14
11 living in the home at the time, she wasn't involved in the
12 scheme but she was living it. It was in the house. That is
13 where he conducted the majority of his business and they did
14 have another office.

15 He has destroyed his children's lives. I mean, Benton 14:12:31
16 is a prime example. Your father is in prison since you are six
17 years old. He gets out when you are an adult and what do you
18 do? Bring him into the family business. Unfortunately for
19 Benton, that was a life of crime.

20 Under 3553(a)(2), the Court should also ensure that 14:12:47
21 the sentence it imposes will reflect the seriousness of the
22 offense and afford adequate deterrence not only for criminal
23 conduct by the defendant, but for others. It should protect
24 the public from the further crimes of all people.

25 And another consideration is to achieve general 14:13:09

1 deterrence and promote respect for the law. And that's where
2 the 292-month sentence is most appropriate. The Court must
3 send a message.

4 The defendant is a sovereign citizen. It's an
5 anti-government movement which has many faces. We've seen it

14:13:30

6 in the news recently, sovereign citizens who don't like the
7 government who have violent standoffs with them, or they shoot
8 people in public places. Those are domestic terrorists. But
9 sovereigns are not all violent. In this case, we have a

non-violent protester. And how does he protest? Through

14·13·49

lawsuits. But it's not just a protest, it's a money making

2 scheme. It's a scheme to eliminate debt. It's a scheme to

essence, shut down our government because there are so many

4 people involved in stopping him and the dozens or hundreds of

5 people that he's recruited through social media to impede the

functioning of the United States government.

He has been part of this movement since 2009 when he

8 was released from prison. He has used social media to preach

his sovereign citizen ideology, so it has quickly spread

throughout the nation. He has flooded the IRS with

anti-government paperwork and set off documentation on behalf

taxpayers throughout the nation.

At trial, you heard from Revenue Officer Lyons about

the massive amounts of paperwork that he received from Mr. Ha-

alone. And remember, Mr. Hall had a staff, and the staff

14:15:00

1 talked about all the documents that they produced on behalf of
2 Mr. Hall's scheme. So it wasn't just the money orders that got
3 sent. And I believe that was approximately 10 pages just for
4 one year for Mr. Hall alone. But there were all the documents
5 that he had sent in the past that didn't work, you know, the
6 setoff bonds and the promissory notes and all the, excuse my
7 words, the gobbledegook that went along with it. All that
8 documentation, it was never enough that it was one thing
9 because what happens is if you don't respond he believes he
10 wins so he sends something else to say okay, now I can collect
11 because you never responded to my documentation. 14:15:26
14:15:46

12 He sent -- he and his staff sent out tens of thousands
13 of documents on behalf of taxpayers to the IRS and then to
14 other places to get their debt eliminated.

15 THE COURT: Is that in the presentence report? 14:16:07

16 MS. JENNIS: It is, Your Honor. It talks about it in
17 the beginning of the presentence report in the offense conduct.
18 It talks about the ideology.

19 THE COURT: That I recall, but tens of thousands of
20 documents I did not recall. 14:16:23

21 MS. JENNIS: It doesn't say those documents. I
22 believe that came out at trial. But certainly --

23 THE COURT: Okay.

24 MS. JENNIS: -- I can tell you that when we conducted
25 the search warrant, I was trying to see, it was at least 75,000 14:16:35

1 documents that were seized. They get copies of a lot of
2 documents they had already sent out. Now, remember, they
3 create the documents. The documents get mailed out to the
4 client or to -- they don't mail them directly to the IRS. The
5 client would do that. But they did on occasion, they would
6 mail them to courts and they would keep copies of everything
7 they mailed out. And so those items were seized along with,
8 you know, all the stuff that was contained on the computers.

14:16:56

9 He also attempted to impede the IRS by filing a
10 fictitious lawsuit against the IRS. Mr. Hall is the figure
11 head of the sovereign citizen movement. And now there are not
12 only civil and criminal cases kind of sprouting up throughout
13 the country, in addition to his own, but this would involve --
14 the IRS is not the only one involved in these cases. In this
15 case the FBI was obviously involved also. And countless
16 attorneys from both the civil and criminal sections of the
17 Department of Justice to investigate takes -- I can't even
18 imagine how many people it's going to take to investigate and
19 prosecute these cases and not to mention the number of cases
20 that will be charged in all the courts throughout the United
21 States that will be involved.

14:17:43

14:18:00

22 Yesterday, Your Honor, you talked about Mr. Adams
23 vandalizing the United States, but it's not, with all due
24 respect, it's not just vandalism. It's called domestic
25 terrorism. That is what Mr. Hall has done, and that's why the

14:18:23

1 United States brought this case.

2 If he isn't sufficiently punished, the next scheme is
3 going to be bigger and uglier. No one could have done this
4 scheme without Gordon Hall. While it's clear that Mr. Adams
5 was the one who thought up the money orders and had that
6 particular scheme, Mr. Hall has the clients. He's the face of
7 this movement. He is all over TalkShoe, on the internet,
8 radio, You Tube, seminars all over the country, perhaps even
9 out of the United States. I know that Mr. Adams went outside
10 the United States to conduct his seminars. So they were
11 conducted everywhere. And he obviously got paid from something
12 because he had this big house with lots of valuable items in
13 it, the coins and the guns. I don't really know where any of
14 that came from.

14:18:42

14:19:07

14:19:23

14:19:50

15 So, Your Honor, we need to send a message. And what
16 better way than to cut off the head of the snake by sentencing
17 Mr. Gordon Hall, the leader of the citizen -- sovereign citizen
18 movement, and the acts of terrorism, domestic terrorism that he
19 has conveyed on the United States by trying to shut down the
20 IRS and the courthouses by all his frivolous filings and
21 actions.

22 And so therefore, it's very important, Your Honor,
23 that you impose a guideline sentence. And I agree that the low
24 end would be good and it can be run and it should run
25 concurrent with his current sentence out of South Carolina.

14:20:08

1 THE COURT: What, again, is the amount of time he has
2 remaining on the South Carolina sentence assuming he gets the
3 benefit of good behavior?

4 MS. JENNIS: 126 months. And let me tell you how I
5 calculated that. He received 180 months, and he was arrested
6 in March of 2013. So taking 85 percent of 180 months, I
7 believe it was 153 months. And 153 months less 27 months would
8 be 126 months left on his sentence.

14:20:22

9 THE COURT: 27 months is the discount for good
10 behavior?

14:20:51

11 MS. JENNIS: No. What I did is I took 180 months
12 times 85 percent, which would be 153 months.

13 THE COURT: Right. Right.

14 MS. JENNIS: He has served 27 months to date.

15 THE COURT: Now, the presentence report states he has
16 413 days of presentence custody here. Is he going to get
17 credit for all that on this sentence? The reason I ask is I
18 know he's detained in South Carolina but he's taken here. It's
19 just not clear to me what he -- now, assuming I give concurrent
20 sentences, as you recommend, that may answer that question. I
21 just want to be clear whether my sentence, whether he gets
22 credit for that 413 days for this sentence even though he has
23 been in custody.

14:21:01

14:21:26

24 MS. JENNIS: Certainly.

25 THE COURT: I thought we had him brought out here from

14:21:41

1 South Carolina for this case. Did we not?

2 MS. JENNIS: He -- I think he had his initial
3 appearance in South Carolina if I -- and I don't recall. But
4 he should get credit for the 400 however many days it was, 413
5 days, Your Honor. Because he should get credit from the date
6 of his arrest for this indictment. That would be how it would
7 usually work. You don't get credit before you are arrested on
8 a case. But he should get credit from the date of his arrest.

14:22:05

9 THE COURT: What about age? He's 61 years old now.

10 We're looking at a lengthy sentence no matter how it comes out.
11 At some point, does the purposes of sentencing, especially for
12 this case, the deterrence purpose, play out as against just
13 having the Bureau of Prisons take care of very elderly and
14 possibly infirm people?

14:22:33

15 MS. JENNIS: Well, I think the world has changed, Your
16 Honor. And I think that when he is 71 and finishes his South
17 Carolina case, I would not consider that elderly. He certainly
18 will be well taken care of by the Bureau of Prisons. I don't
19 see a problem. I think he will be alive when he is released.
20 And people live a long time, and he has had, you know, he's not
21 a frail gentleman. He was healthy when he was arrested, and he
22 appears, at least as far as I know, to still be healthy since
23 he's been in the Bureau of Prisons. So I think that if he gets
24 out when he's in his 80s he will still have plenty of life left
25 to live.

14:23:01

14:23:22

14:23:50

1 THE COURT: All right.

2 MS. JENNIS: Thank you.

3 THE COURT: Mr. Kunkle, I will hear your allocution.

4 MR. KUNKLE: Your Honor, with the Court's permission,
5 if we could have Mr. Hall allocute at this point and I could go 14:23:59
6 after Mr. Hall.

7 THE COURT: Mr. Hall, is there anything you would like
8 to say to the Court before sentencing? Speak into the
9 microphone.

10 THE DEFENDANT: Are you speaking to me or are you 14:24:18
11 speaking to the defendant? As a living man here in front of
12 you, whereas any authority or whereas the contract or the
13 agreement that gives the authority to sentence a living man,
14 one, that is not in possession of state-owned property; two, is
15 not a trustee for any defendant in these actions, and three, is 14:24:58
16 not in contempt of this Court.

17 Let the record show nobody disagrees that as a living
18 man here, that it is in agreement that there is no authority to
19 sentence a living man, who is not in possession of any state
20 owned property or controlled property, isn't a trustee for any
21 defendant in these proceedings, nor in contempt of this Court. 14:25:26
22 What you do with the defendant is not my business then as a
23 living man and not part of this. Thank you.

24 THE COURT: Mr. Kunkle, I will hear your allocution on
25 behalf of your client. 14:25:45

1 MR. KUNKLE: Your Honor, we have had the benefit
2 yesterday, yesterday's sentencing, and I was here obviously
3 taking some notes so if I refer to anything I don't mean to put
4 words in your mouth. But going forward on this case, first,
5 the gravamen of the charge is that these fictitious monetary
6 instruments caused a great loss to the government. And I know
7 Ms. Jennis's comments before the Court about relating some of
8 what people believe in the sovereign citizen movement to
9 domestic terrorism might think is a little attenuated if not
10 unfounded.

14:26:15

14:26:45

11 THE COURT: Let me say, I -- people are entitled to
12 believe anything they want. The law restricts their conduct.
13 So people can believe the United States government is
14 illegitimate. They can believe anything they want. But their
15 conduct is what is prohibited or required by the laws.

14:27:02

16 And also, I certainly do not hold it against Mr. Hall
17 at all that some other people may engage in violence. That
18 just is no part of my analysis for sentencing.

19 MR. KUNKLE: And, Your Honor, in this case, and I
20 think even the words used by Ms. Jennis moments ago, regarding
21 impeding the IRS are rather important. At trial, that was one
22 of the themes, obviously, that, you know, whether you like it
23 or not, T.W. Lyons and the name of the woman who testified on
24 behalf of the government and the IRS, whether Ms. Jennis
25 characterized it as tens of thousands of documents, thousands

14:27:25

14:27:48

1 of pages of documents, I believe the testimony at trial was
2 that there were two boxes or three boxes in the mail room of
3 documents that Mr. Hall had mailed to the IRS over time. One
4 of them was Exhibit 6 at trial, and that one is put together by
5 the government. Their trial exhibit was like 40 pages. I know
14:28:08
6 Your Honor has seen these before, similar documents with note
7 of dishonor, notice to principal, notice to agent.

8 I'm not going to stand here and tell you that there's
9 any validity to some of what the sovereign citizen movement, if
10 you will, generates in its paperwork towards the IRS. Moments
14:28:29
11 ago Mr. Hall spoke, if you don't agree then it's considered an
12 acquiescence kind of that theme out of the UCC. If it's
13 presented for payment and you dishonor or return it then well,
14 that's okay, it's been accepted for value.

15 But in there is a kernel of it that people have fear
16 regarding debt, the way the government borrows money. Being a
17 student of history I note that some of the arguments that I
18 have seen in the sovereign citizen movement, for lack of a
19 better term, are rooted in what purist and constitutional
20 theory call the idea of consent that people give to their
14:29:13
21 government and how much money they want their government to
22 borrow and how they fear that debt the government takes on that
23 they saddle their citizens with. That's legitimate protest.

24 And it does morph into much of what the foreperson, if
25 you will, the forefront of the government interaction with its
14:29:31

1 own people in the IRS. And when Ms. Jennis was speaking
2 moments ago about impeding the IRS, that's really what this
3 case is about. And the guideline measurement in this case is
4 way overstated. I would note that under Section 514, I
5 believe, two Ninth Circuit cases, one was *Howick* and one was
6 *Salman*. And *Salman* was more akin to this case where documents
7 were being sent in, fictitious documents, to the IRS. *Howick*
8 was a case they found Mr. *Howick* in possession of these things.
9 He was an elderly man. There was no evidence where they were
10 going to be used except that he had possession of many of them.
11 He ended up getting the two years. I think that was the case
12 Mr. Heath was referring to yesterday.

14:29:51

14:30:15

14:30:31

14:30:56

13 THE COURT: We have all the time anyone needs so we're
14 not short at all. But I should put it on the table that one
15 serious question in my mind is whether to impose a concurrent
16 sentence. Another way to look at this problem is the
17 culpability harm done that has nothing to do with the sentence
18 imposed in the Court in South Carolina, so it may be that the
19 better way to approach this is to allow Mr. Hall to pay his
20 debt to so society for that conduct and not give him credit for
21 having committed that other crime as against this one.

14:30:56

22 My mind is entirely open on that, and I am not at all
23 presuming that I will impose concurrent sentences because it's
24 been recommended.

14:31:18

25 MR. KUNKLE: Your Honor, just to harken back to

1 yesterday, you used the term vandalism. And in a sense, the
2 idea that the IRS was going to be defrauded out of these, I
3 don't take the government at its word that any one of these
4 money orders was ever going to be paid. They might muck up the
5 works, yes, because an unwitting employee may deposit them. 14:31:38
6 But at first blush, if you look at the document it's obvious
7 that it's just bogus. And the idea that the IRS was going to
8 be out millions of dollars, that didn't happen here. This
9 wasn't like a 1099 OID scheme where the IRS had some
10 culpability for paying out refunds to people through false tax 14:32:01
11 return filings.

12 But I would just submit to you that 24 years for
13 mailing two obviously fictitious money orders to the IRS that
14 merely caused an inconvenience on Mr. Lyons' part to come in
15 from a day he was working at home because he believed he may
16 have to process them based on what his secretary told him, I
17 don't believe that merits 24 years. I don't believe that's
18 what this case is worth. I don't care if Mr. Hall has four
19 felony convictions or three or 10. It's not a 24-year sentence
20 case. 14:32:25

21 THE COURT: Perhaps not. But on the other hand, this
22 case is unlike most, certainly unlike Mr. Adams yesterday in
23 that Mr. Hall has an extensive history as a financial predator.
24 And so one of the purposes of sentencing is just to keep
25 people, disable them from hurting more people for as long as 14:33:02

1 they are in prison. That certainly is a factor to be
2 considered. It's frankly, my mind it's not a factor to be
3 considered in most cases because in most cases once we think
4 through purpose of deterrence and public deterrence, that we've
5 gone beyond the justification just to keeping people out of
6 circulation. 14:33:23

7 But Mr. Hall is a predator, not just occasionally but
8 for decades. So one benefit of having him in prison is he
9 won't be able to run any scams on anybody as long as he's in
10 prison. That's one factor. And again, to my mind, this plays
11 into the question of -- well, one reason for giving concurrent
12 sentences is that if the new sentence, with the amount of time
13 you would give for that with the comfortable conservative
14 assessment is already being achieved by another sentence,
15 that's a reason to give a concurrent sentence. 14:34:16

16 But on the other hand, in this case, I can think
17 through purposes of sentencing for this case that really
18 wouldn't -- I could say the sentence should be thus and such
19 amount of time he can start dealing -- serving that when he's
20 dealt with the other sentence. It's just not -- the
21 mathematics is always interrelated. 14:34:40

22 But so I'm sorry for interrupting your thoughts. I
23 want to hear everything.

24 MR. KUNKLE: I understand. Your Honor, plain and
25 simple, I believe the presentence report alluded to the fact, 14:34:56

1 and I don't think the government would object to these
2 characterization, and I believe at one point in time, the
3 government informed me that Mr. Hall had already been under
4 investigation here in this district when the South Carolina
5 case happened. To the extent that the South Carolina case is
6 related to this it all spawns from the same -- 14:35:14

7 THE COURT: I don't see any relation at all. Is there
8 any relation to the South Carolina case?

9 MR. KUNKLE: Oh, yes, there is. The way I see it is
10 the same ideology, if you will, that led to the South Carolina
11 case in that it was my understanding that case was a Ponzi
12 scheme being perpetrated by others in South Carolina, and the
13 fraud there, if you will, was in the concealing of assets from
14 the receiver appointed by the Court in terms of moving property
15 to entities with some kind of payment by individuals in that
16 Ponzi scheme. That's my loose understanding in that case from
17 conversations. And to answer the Court's other question
18 there's no appeal on that case. For whatever reason, I believe
19 because it was a plea agreement, but it was a no contest plea
20 agreement. There was some issue with the appeal being filed
21 timely and whether it was going to be an appeal at all. But
22 that case, the last I checked on Pacer in the Fourth Circuit
23 that appeal had been denied. 14:35:49
14:36:09

24 THE COURT: There had been a Notice of Appeal but
25 untimely? 14:36:24

1 MR. KUNKLE: Yes. And it was denied. They went back
2 to the district court to try to get leave to appeal untimely,
3 and that was denied as well. So Mr. Hall was serving that
4 15-year sentence with, approximately Ms. Jennis's calculations
5 were pretty correct. One thing she did miss, though, is that
6 he does not get good time on the last two years because he's
7 not in BOP custody. That good time that he would have normally
8 received is gone. They only credit you with good time when you
9 are in their custody at one of their facilities.

14:36:36

10 But back to the numbers, Your Honor, this not being a
11 case, in my opinion, or in your opinion, merits 24 years in
12 prison. And you call Mr. Hall a financial predator but notably
13 not one person who believed in what Mr. Hall was selling,
14 whether it's true or not, came forward to testify that they
15 believed they had been defrauded. Now, the government's
16 telling us there may be charges pending against some of those
17 people for whatever reasons the government may have to bring
18 those cases if they are filing their own money orders.

14:37:19

19 But in this case, when Mr. Hall is done with that
20 South Carolina sentence he's going to be approximately 71 years
21 old. If you were going to give him 24 years dating from the
22 date of this offense, which would be the arrest date, how it
23 gets computed, is my understanding is the date of designation,
24 he wouldn't be released until 2038. By my math, he would be
25 almost 81 years old. It's almost an additional nine years on

14:37:35

14:37:51

1 top of what he's getting now, being the difference roughly
2 between the 24 years and the 180.

3 And again, despite what the government would tell you,
4 the healthcare inside the Bureau of Prisons is not state of the
5 art. They do take pretty good care of people.

14:38:10

6 THE COURT: I was thinking as much about the Bureau of
7 Prisons as about Mr. Hall. At some point does it make sense to
8 burden them with very elderly people.

9 MR. KUNKLE: And I don't know what harm Mr. Hall would
10 cause anyone if he came out of prison in his 70s. Behind me

14:38:25

11 are his children. And as you know, Shannon testified against
12 him at trial. His other daughter, Ali is here. And his family
13 is known -- and to go back to the '90s, again, I'm without

14 benefit of the back and forth of Mr. Hall. And I know that in
15 that case, Your Honor, it was a stock manipulation scheme as

14:38:50

16 it's spelled out. But Mr. Hall went to the prison for the
17 first time in the '90s. And when Ms. Jennis speaks about

18 coming into the sovereign movement in full swing in 2009 it
19 started before then. And one statement that stuck with me is

20 what his daughter Shannon said, and it was after the loss of
21 his two children who died while he was in custody in the early

14:39:08

22 part of the decade is -- and again, I don't want to put words
23 in Ms. Hall's mouth, but he kind of lost his mind and he became

24 really enwrapped in this. And the reason people really become
25 enwrapped in the sovereign citizen movement is because they

14:39:28

1 feel powerlessness. They feel that the government has all the
2 cards in their hands.

3 And while Ms. Jennis speaks about sending a message
4 with the sentencing, in some ways, the message you send here
5 today may or may not reverberate through that movement, if you
14:39:44
6 will, that he's the figurehead of as Ms. Jennis characterizes
7 him. But in some ways, it almost plays into that to say, see,
8 I told you so. This is what happens to you. They have the
9 jails. They have the prisons. They have the guards. One of
10 the underlying themes of all that, and Mr. Hall just spoke to
14:40:02
11 it, was where is your jurisdiction over me? And, you know, I
12 came to Mr. Hall's case a year ago through a court appointment
13 just random, obviously. This is my third go-around in trying
14 cases in this district, the first one some years ago before
15 Judge Murguia. I had another sovereign, if you will, before
14:40:23
16 Judge Campbell. And there's always this tension as to who are
17 they defrauding? The government or the people who they have as
18 clients that they bring in?

19 THE COURT: Mr. Hall clearly has a history of
20 defrauding other people, including using this movement to get
14:40:38
21 money out of other people. So there is that. There is also
22 the issue of -- well, I called it vandalism yesterday but
23 setting out to -- I will tell you a short little story that
24 doesn't matter, when I was in law school over 40 years ago, I
25 befriended a student from -- it was actually a graduate student
14:41:00

1 lawyer from another country. I won't mention the country, a
2 third world country. He was a tax official in that country and
3 he was getting a master's of law in tax at our law school. And
4 he lived across the hall from me in the dormitory, got to know
5 him. And I remember him telling me that our tax system in this
6 country is the envy of the world because people assess the
7 taxes against themselves and they pay them.

14:41:20

8 This conduct we have seen here is an attempt to
9 obstruct that, to deprive not just the government as an
10 abstraction but our society as a whole of the benefit of a tax
11 system that people generally pay.

14:41:42

12 Now, there's many complaints to be made about taxes
13 and tax policy, and I'm certainly not endorsing a current
14 policy against anything. But the system -- that system of the
15 government working with people assessing and paying it is just
16 being not just obstructed but it is a kind of vandalism to
17 burden the government with this kind of obstruction. And
18 although I don't really go beyond the presentence report and
19 things that have been available to both sides, that is apparent
20 from what the Court is fully aware of from the trial and
21 everything else in this case.

14:42:04

22 So there is more at stake here than just the fact that
23 only a few of these documents actually got credited before they
24 were caught. And I don't -- you don't -- I don't make any
25 judgment about people who don't believe in the federal

14:42:25

14:42:50

1 government. But that is genuine obstruction that is a
2 legitimate consideration.

3 MR. KUNKLE: Your Honor, but impeding IRS, obstructing
4 the IRS, I think you asked Mr. Heath yesterday, my recollection
5 is a three-year stack max under 7212, not five. And really, if
14:43:11

6 people want to, you know, muck up the works for lack of a
7 better term, of the IRS, they want to mail in a \$100,000 candy
8 bar wrapper that says, here's my tax debt and the IRS gets
9 empty candy wrappers, yes, that's obstruction. That might be
10 7212 conduct. People have all kind of ways of protesting. I
14:43:34

11 don't believe any one of these money orders was ever paid to a
12 routing number connected to a social security number anywhere.
13 And I also find it even harder to believe the government's
14 assertion yesterday that the entire IRS was about to pay out
15 money orders and drop liens on properties and that's some
16 danger. This is a protest.
14:43:50

17 THE COURT: I'm not asking you to admit anything, but
18 they are trying to get it credited. It wasn't mailed in with a
19 cartoon attached it for laughs.

20 MR. KUNKLE: No, the matter was alluded to in the
14:44:06
21 trial with Ms. Edelstein, this wasn't a banana mailed in with
22 routing numbers. I agree with that. But the money order on
23 its face directing Timothy Geithner to pay out to the Treasury
24 based on a social security number on this loosely known theory,
25 redemption theory to pay off an old tax debt is just ludicrous.
14:44:21

1 Everyone would know that. Yes, much of what they come from is
2 a protest against their government that at some points goes too
3 far. Mr. Hall has his history. But 24 years is way too much.
4 And this Court is not and should not about sending a message.
5 The message is to Mr. Hall. If you want to send a message to
6 the -- 14:44:43

7 THE COURT: There's a message beyond the statutory
8 purposes of sentencing that includes deterrence to individual
9 and public.

10 MR. KUNKLE: And if the government wants to send a 14:44:55
11 pest message they can spin a press release when the case is
12 concluded, which I'm sure they will next week. But the point
13 being, Your Honor, Mr. Hall at age 61 is looking at potentially
14 spending what may be the rest of his life in prison. He owes
15 \$172,000 in restitution on the South Carolina matter. He is
16 still going to go -- 14:45:12

17 THE COURT: He owes a million and a half dollars of
18 taxes for 20 years.

19 MR. KUNKLE: And, Your Honor, I came across cases
20 that, like it or not, one of them was *United States versus* 14:45:23
21 *Neal*, where Mr. Neal was an inmate at Atwater and was
22 attempting to file liens against BOP guards by having them mail
23 it out of prison. So it's not the incapacitations that's going
24 to necessarily stop things, but I'm sure Mr. Hall is aware of
25 that now. 14:45:48

1 But I would just submit that incarcerating him into
2 his late 70s, even his mid 70s, is more than adequate
3 deterrence. It's more than sufficient.

4 THE COURT: On the other hand, you know, there isn't
5 any focused reason to think that Mr. Hall will be deterred no
6 matter how long he's in prison. Now, I think that is not a
7 reason to impose a sentence longer than what would be a normal
8 midrange effective deterrence to an individual. But there's
9 certainly no reason here to look for a lighter sentence out of
10 hope that he will stop victimizing people, whether he's 75 or
11 80 when he gets out. Maybe the other factors are more
12 significant than that. But I guess my concern here is there
13 are a lot of people who have been victimized through a lot of
14 his life, and there's no reason to think he will stop.

14:46:05

14:46:29

14:46:53

14:47:11

15 MR. KUNKLE: The only victim that I heard testify in
16 this case is maybe Mr. Lyons who came in on his day off to
17 deposit a \$100,000 money order that didn't exist. That's it.
18 And the other people, to the extent they had money orders
19 printed on their behalf, if that's what they choose to send in,
20 then that's what they close the send in. But I don't perceive
21 those people as victims. And this Court's focus should be on
22 what this case is about not on what happened 20 years ago in
23 New York City, obviously, with a Rico case or anything else.

24 But I would just submit to the Court that Mr. Hall's
25 guideline number is driven largely by, I think what this Court

14:47:32

1 would have to concede is an overly inflated loss number. Just
2 by way of comparison, yesterday the million and a half number
3 on these two money orders, I believe, is a 16 point specific
4 offense characteristic under the guidelines under the 2B
5 guidelines. And with the Criminal History Category IV that
14:47:54
6 still leaves 77 to 96 months which curiously is just about the
7 amount of time over and above the difference between 24 years
8 and 180 months. I'm not suggesting that that, even then, is a
9 fair sentence. But the \$92 million is -- it is just an absurd
10 number to be basing any sentence on in this guideline,
14:48:17
11 fashioning a sentence in the presentence report.

12 And to that extent, Your Honor, this case about
13 fictitious instruments, in my short lived history before this
14 Court of about 10 years of trying these cases, the government
15 has taken a tact in these cases to not try these cases as tax
16 cases. It makes some sense because they don't have to get into
17 a good faith belief issue of what people truly believe and run
18 that down the gauntlet of a federal jury. So they charge them
19 under filing false claims or, in this case, fictitious
20 instruments, which I was quite surprised upon initially
14:48:38
21 receiving the indictment to learn was a Class B felony
22 punishable of up to 25 years for sending funny money to your
23 government in a protest. Had they sent in monopoly money or a
24 check that said payable to who, you know, because he plays
25 first base, I don't think we would be here. I don't think this
14:49:00
14:49:18

1 is an intent that they ever believe is going to get their tax
2 liabilities extinguished. I think it's an intent to impede the
3 IRS and that's how the case should be sentenced.

4 And I would ask you to consider the fact that Mr.
5 Hall, who as difficult, obstreperous an individual as he has
6 been before this Court, still deserves fair sentencing, not
7 based on his conduct or his behavior here or difficulties he
8 posed to the marshals. I'm only putting it out there, Your
9 Honor, not suggesting you would do that.

14:49:35

10 THE COURT: It's not the first time I had to deal with
11 it.

14:49:52

12 MR. KUNKLE: Yeah. And so I don't know if Your Honor
13 has any other questions. I just don't believe that keeping
14 someone in prison for lengthy periods of time serves any more
15 purpose, especially when you talk about keeping somebody well
16 into their senior years. And I would just submit that Mr.
17 Hall, coming out of prison in his mid 70s, is more than
18 sufficient punishment in this case.

14:50:05

19 And I would just submit that, you know, coming as it
20 is, and I know under 5G, Ms. Chappell alluded to this in the
21 presentence report, you have the ability to run partially
22 concurrent, concurrent consecutive, and I do not believe Mr.
23 Hall deserves to spend the rest of his life in prison.

14:50:24

24 THE COURT: I always let the defendant have the last
25 word in allocution but since you have just gone first I will

14:50:41

1 give Ms. Jennis an opportunity to reply. If she does, again,
2 you can have the last word.

3 MS. JENNIS: Your Honor, I believe -- I don't have a
4 statute book to look at, but I do think that at some point if
5 Mr. Hall was sick there is a statute that allows him to apply
6 to be released due to his age. I just couldn't recall the
7 exact statute.

8 THE COURT: I remember that in general, too.

9 MS. JENNIS: Under the guidelines, under 5H1.1, they
10 talk about age and how it may be relevant in determining
11 whether a departure is warranted based on age. Age may be a
12 reason to depart downward in a case in which the defendant is
13 elderly, infirm, where a form of punishment such as home
14 confinement may be equally as efficient and less costly than
15 incarceration, which I don't believe is the case here. And
16 home confinement, he could continue to commit the crime. And,
17 in fact, I think that's something to consider. The type of
18 crimes he's committed are crimes that he can commit at any age.
19 In fact, when he's older he maybe has less to lose. He can
20 still do his talk shows and think, well, no one is going to do
21 anything to me because now I'm 70 or 80 or whatever age he may
22 be.

23 Also, I just want to let you know that the South
24 Carolina case was a Secret Service investigation. It didn't
25 have anything to do with the IRS.

14:51:03

14:51:20

14:51:39

14:52:01

14:52:18

1 And lastly, Your Honor, I don't believe that Mr. Hall
2 feels powerlessness. He did this for money. He may have these
3 beliefs also, but his actions, his unlawful actions were to
4 make money and to eliminate debt. He was paid by his clients.
5 These certainly weren't things he just did to eliminate his own
6 debt but he also did this to make money. 14:52:42

7 Thank you.

8 THE COURT: Any last word, Mr. Kunkle?

9 MR. KUNKLE: No, sir.

10 THE COURT: All right. First I just want to -- the
11 guidelines are technically correct, as I previously ruled, but
12 somewhat in parallel to my remarks yesterday in Mr. Adams'
13 sentencing, I do consider the \$93 million to be an
14 overstatement. And if the guidelines were lower -- and
15 yesterday, I just thought through. I think I had the 16 level
16 instead of 24 level for Mr. Adams. But that was just on the
17 two checks. But on the other hand, those are the same two
18 checks in this case. 14:53:31

19 If I thought it through that way, with the two-level
20 enhancement in Paragraph 23 for use of counterfeit access
21 devices, and the four-level enhancement for organizer or leader
22 role, both of which are entirely appropriate here, that would
23 be equivalent to an offense level of 29. And at a Criminal
24 History Category of IV, that would be a guideline range of 121
25 to 151 months. 14:54:22

1 Of more importance, really, is the statutory purposes
2 of sentencing, which are more difficult to quantify. But
3 still, we give consideration to, one is a group of closely
4 related purposes. One is the nature and circumstances of the
5 offense, the need for the sentence to reflect the seriousness
6 of the offense, to promote respect for law and to provide just
7 punishment. I view this as a very serious offense for reasons
8 I have touched on already.

14:55:07

9 First of all, for people who have sophistication about
10 these kinds of documents, if you look at this document, it is
11 not stamped with a rubber stamp that says this is a joke. It's
12 not a document that somebody who is sophisticated and paid
13 careful attention to is likely to credit. But it was clearly
14 intended to be credited. So I don't think there's anything
15 inappropriate of thinking of this as an offense of the
16 seriousness that would reflect an offense loss in that million
17 and a half dollar range. I think the bracket is one million to
18 two million for guideline calculations.

14:55:34

14:56:14

19 The other factor, or another factor, is the history
20 and characteristics of the defendant. And here, Mr. Kunkle, he
21 not only has a Criminal History Category IV, he has three
22 serious financial fraud convictions in the past.

14:56:38

23 Somewhat related to that is the need to afford
24 adequate deterrence to the defendant. As I remarked before I
25 really find it hard to conclude that Mr. Hall is going to -- is

14:57:03

1 likely to acquire a sense of his obligations to his community
2 to everyone who has to pay for government and the need for the
3 government to be -- to have the resources to pay for the things
4 that our democratically elected government decides to spend
5 money on even though none of us agrees with everything. I just 14:57:30
6 cannot be optimistic that Mr. Hall will acquire that sense of
7 responsibility to his community. And therefore, any sentence
8 can be justified on the basis of its appropriateness to deter
9 Mr. Hall.

10 A second branch of the purpose of affording adequate 14:58:02
11 deterrence is the need for public deterrence, to deter other
12 people who would contemplate engaging in this kind of conduct.
13 I view that branch of the deterrence purpose as being more
14 important, Mr. Hall, in your case. We need to have a sentence
15 here that communicates to people who may not like the 14:58:20
16 government, may hate it, but if they set out to send documents
17 for the purpose of defrauding the government, even if they get
18 caught, that it isn't a joke. It will not be treated as a
19 joke, and doing this in a systematic way is a very serious
20 matter that people need to think about the harm they are doing 14:58:47
21 and that the harm of it isn't worth either the political
22 philosophical gratification or the sense of humor or whatever
23 it is. It's not going to be -- should not be worth it.

24 Another factor I touched on already is the need for
25 the sentence to protect the public from crimes of the 14:59:12

1 defendant. That's a very serious motivation in this case,
2 purpose in this case. Whether it's participating in the
3 bankruptcy fraud in South Carolina or securities fraud in New
4 York or this kind of attempted fraud on the government, at
5 least Mr. Hall while you are in prison, you won't be able to do
6 that. 14:59:45

7 There is another factor into the law that applies, I
8 think applies here in an indirect way, and that is the need to
9 provide the defendant with education or vocational training,
10 medical care, or other correctional treatment. Now, that's an
11 unusual factor, because I have always been of the view that it
12 never justifies putting anybody in prison for any longer.
13 That's sort of a side benefit in some cases to having people in
14 prison for reasons that are otherwise justified. 15:00:07

15 But this one seems to me to bear into what I have
16 raised earlier, and that is that at some point people are old
17 enough and at enough risk of frail health that deterrence and
18 protection and other reasons of imprisonment diminish
19 significantly. So that leaves me to think through Mr. Hall's
20 age. 15:00:25

21 Looking at this sort of alternate, what I will call a
22 practical guideline calculation rather than the technical
23 guideline calculation, it still ends up with a sentence of 121
24 to 150 months as a guideline. 15:00:55

25 The Court really has a judgment and discretion on 15:01:24

1 this, but I find it personally easy to think more -- easier to
2 think this through in terms of what is the least amount of
3 punishment for this crime and not distract myself with the fact
4 that the defendant already has a lengthy sentence to serve for
5 an unrelated crime.

15:01:52

6 Oh, and also, Mr. Hall, I'm sure your lawyers have
7 attempted to explain this to you, but you have it within your
8 power to reduce your own sentence by engaging in good conduct
9 while you are in the custody of the Bureau of Prisons. You can
10 get a reduction of your sentence up to 15 percent. Now, you
11 don't have to engage in good conduct. You could just have the
12 fun of obstructing prison, but you have to serve your full
13 sentence.

15:02:46

14 So when I think through the sentence, I give you the
15 credit for electing to conduct yourself well and to get the
16 benefit. Mr. Hall, I think there is serious risk that you will
17 continue to be a threat to people and a harm to people well
18 into your elder years. And therefore, it is appropriate to
19 impose a sentence that's otherwise warranted here, even though
20 it takes you into an older age.

15:03:03

21 Oh, and I can't remember if I already mentioned this,
22 to the extent it's a closer question, I'm required to give the
23 more lenient sentence that has the sufficient prospect of
24 serving the statutory purposes of sentencing.

15:04:05

25 And considering all these factors, I'm satisfied that

15:05:46

1 a sentence of 96 months, which is eight years, is a sufficient
2 sentence to be served consecutive to your existing sentence.

3 So if you behave well, you can be out of prison while
4 you are still in your late 70s. You will have the prospect of
5 some degree of good health and some life left.

15:06:17

6 So this is a -- requires a variance of -- that's a
7 13-level variance that I will base on -- well, ironically,
8 partly the history and characteristics of the defendant, and
9 that is age. That cuts in your favor. Plus the factor I
10 mentioned, the statutory factor, which I take in a reverse way
11 of the need for the sentence to provide the defendant with
12 education, vocational training, medical care, or other
13 correctional care which I am applying in a way that looks to
14 your likely age and the diminished prospect of the need for you
15 to be in prison after a certain age.

15:07:21

15:07:41

16 And also in imposing this sentence, I give specific
17 consideration to the fact that this sentence will be
18 consecutive to your sentence in the South Carolina case and the
19 amount of time you will be in prison in that case. Those two
20 matters are substantially unrelated, and I'm -- in my judgment
21 and discretion, it is really not appropriate to give you what
22 amounts to a discount for committing these multiple and
23 unrelated very serious crimes.

15:08:08

24 So pursuant to the Sentencing Reform Act of 1984, it
25 is the judgment of the Court that Gordon Leroy Hall is hereby

15:08:36

1 committed to the Bureau of Prisons for 96 months.

2 This term consists of 96 months on Count 1, 96 months
3 on Count 2, 96 months on Count 3, and 96 months on Count 4, all
4 such terms to run concurrently. This sentence is also
5 consecutive to the sentence of incarceration in the United
6 States District Court, District of South Carolina, Case Number
7 6:13-CR-00170-JMC-1.

15:08:58

8 The defendant shall pay a special assessment of \$400
9 which shall be due immediately. The Court finds the defendant
10 does not have the ability to pay and orders the fine waived.

15:09:37

11 The defendant shall pay a total of \$400 in criminal
12 monetary penalties, due immediately. Having assessed the
13 defendant's ability to pay, payment of the total criminal
14 monetary penalties is due as follows: Balance is due in equal
15 monthly installments of \$100 over a period of four months to
16 commence 60 days after release from imprisonment.

15:09:54

17 If incarcerated, payment of criminal monetary
18 penalties is due during imprisonment at a rate of not less than
19 \$25 per quarter, and payments shall be made through the Bureau
20 of Prisons Inmate Financial Responsibility Program. The Court
21 hereby waives the imposition of interest and penalties on any
22 unpaid balance.

15:10:14

23 Upon release from imprisonment, the defendant shall be
24 placed on supervised release for five years. This term
25 consists of five years on Count 1, five years on Count 2, five

15:10:31

1 years on Count 3, and five years on Count 4, all such terms to
2 run concurrently. This term of supervised release is also --
3 well, I don't really need to address concurrency with the South
4 Carolina case, do I, because it has not made them concurrent.

5 THE PROBATION OFFICER: I think it could still be 15:11:05
6 consecutive.

7 THE COURT: I guess there's no harm in stating that.

8 This term of supervised release is also concurrent to
9 the term of supervised release in U.S. District Court, District
10 of South Carolina, Case Number 6:13-CR-00170-JMC-1. 15:11:19

11 While on supervised release, the defendant shall
12 comply with the standard conditions of supervision adopted by
13 this Court in General Order 12-13. Of particular importance,
14 the defendant shall not commit another federal, state, or local
15 crime during the term of supervision. 15:11:42

16 Within 72 hours of release from the custody of the
17 Bureau of Prisons, the defendant shall report in person to the
18 probation office in the district to which the defendant is
19 released.

20 The defendant shall comply with the following 15:11:55
21 additional conditions: You are prohibited from making major
22 purchases, incurring new financial obligations, or entering
23 into any financial contracts without the prior approval of the
24 probation officer. You shall provide all financial
25 documentation requested by the probation office. You shall 15:12:13

1 cooperate with the Internal Revenue Service and pay all tax
2 liabilities. You shall file timely, accurate, and lawful
3 income tax returns and provide proof to the probation officer.
4 You shall submit your person, property, house, residence,
5 vehicle, papers, computers as defined in Title 18 United States 15:12:34
6 Code Section 1030(E) (1), other electronic communications or
7 data storage devices or media or office to a search conducted
8 by a probation officer. Failure to submit to a search may be
9 grounds for revocation of release. You shall warn any other
10 occupants that the premises may be subject to searches pursuant 15:12:56
11 the to this condition.

12 The Court adopts the facts as set forth in the
13 presentence report in support of the guideline calculations and
14 the reasons for sentence except as I have found otherwise in
15 this proceeding. 15:13:11

16 The Court finds the sentence to be reasonable in light
17 of the facts and the statutory purposes of sentencing and to be
18 sufficient but not greater than necessary to serve the
19 statutory purposes of sentencing.

20 The probation officer reminded me that my uninformed 15:13:23
21 concern was -- may have been well placed that the term of
22 supervised release cannot be concurrent because the supervised
23 release from the South Carolina case will have been -- that
24 time will have run while he's still in prison for this
25 sentence. 15:14:10

1 So I am thinking if he doesn't start serving the
2 sentence until he is released, well, it may depend on -- well,
3 there must be a way, because maybe he doesn't begin serving his
4 South Carolina supervised release until he is released from the
5 custody of the Bureau of Prisons which will be after.

15:14:34

6 THE PROBATION OFFICER: I guess it could be.

7 THE COURT: Let me ask counsel. I think perhaps the
8 way I said it is good enough that they are concurrent, unless
9 either counsel thinks otherwise.

15:14:46

10 MR. KUNKLE: Your Honor, I was under the impression,
11 and I think the law is, they run concurrent while you are on
12 supervised release.

13 THE COURT: Right.

14 MR. KUNKLE: So South Carolina term would be held in
15 abeyance until he is released from prison on this case.

15:14:55

16 THE COURT: Right.

17 Now, the Court finds the sentence to be reasonable in
18 light of the facts and the statutory purposes of sentencing and
19 to be sufficient but not greater than necessary to serve the
20 statutory purposes of sentencing.

15:15:19

21 Mr. Hall, do you understand the sentence?

22 THE DEFENDANT: Why would I understand anything in
23 light of the facts I have given you previously as the living
24 man in front of you and not in contempt of this Court or a
25 trustee for any of the defendants in these actions, et cetera,

15:15:44

1 doesn't make that offer moot.

2 THE COURT: All right. Well, the Court notes that the
3 defendant has refused to answer the question. The Court also
4 notes it is completely obvious from the discussion what the
5 sentence is, that, and I repeat, the key part of it, Mr. Hall,
6 you have been sentenced to 96 months in prison in addition to
7 the sentence you have already received in the federal court in
8 South Carolina.

15:15:58

9 Now, Mr. Hall, you have a right to appeal the judgment
10 of conviction and the sentence. If you wish to appeal, you
11 must file a Notice of Appeal within 14 days of today. If you
12 request, a Notice of Appeal will be prepared for you and filed
13 for you. If you cannot provide an attorney for yourself, an
14 attorney will be provided for you for purposes of an appeal.

15:16:16

15 Now, Mr. Kunkle, I want to revisit your motion to
16 withdraw as counsel.

15:16:33

17 MR. KUNKLE: Actually, Your Honor, the best way I
18 could tell the Court, the mechanism as I understand is that
19 will be taken up in the Ninth Circuit after I file the Notice
20 of Appeal.

15:16:49

21 THE COURT: That's fine. I had a thought, if you had
22 any concern about having to be counsel, I was ready to
23 discharge you now. I have prepared a Notice of Appeal he can
24 sign himself. And then he could ask the Court of Appeals to
25 assign new counsel.

15:17:04

1 I am delighted if you are content to remain counsel of
2 record until filing a Notice of Appeal. But in light of the
3 conduct of your client I'm ready to discharge you now if you
4 wish. And I will advise him that he will need to sign this and
5 get it to us to file otherwise he will have no appeal.

15:17:22

6 MR. KUNKLE: Your Honor, I will file a Notice of
7 Appeal on his behalf. The Federal PD spelled it out recently
8 and there's a mechanism with the Ninth Circuit commissioner
9 where he it's all taken care of in the Ninth Circuit. I will
10 follow through and file that Notice of Appeal.

15:17:39

11 THE COURT: All right. That's fine. Once a Notice of
12 Appeal is filed this Court lacks jurisdiction to discharge
13 counsel.

14 MS. JENNIS: I have one.

15 THE COURT: Yes. Ms. Jennis.

15:17:48

16 MS. JENNIS: Yes, Your Honor. When I filed a Motion
17 to Dismiss Count 5, the gun count, I neglected to also dismiss
18 the forfeiture allegation because the forfeiture allegation is
19 solely based on that count. So my forfeiture unit asked me if
20 I could move at the time of sentencing to dismiss the
21 forfeiture allegation.

15:18:08

22 THE COURT: It is ordered granting the motion, the
23 government's Motion to Dismiss the Forfeiture Allegations and
24 they are dismissed.

25 Counsel, is there anything else either of you would

15:18:20

1 like to bring up before we conclude?

2 MS. JENNIS: No. Thank you, Your Honor.

3 MR. KUNKLE: Nothing further, Your Honor.

4 THE COURT: All right. And the Court commends Mr.
5 Kunkle for his services in this case.

15:18:32

6 We'll be adjourned.

7 (Proceeding concluded at 3:18 p.m.)

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5
6 C E R T I F I C A T E
7

8 I, LAURIE A. ADAMS, do hereby certify that I am duly
9 appointed and qualified to act as Official Court Reporter for
10 the United States District Court for the District of Arizona.

11 I FURTHER CERTIFY that the foregoing pages constitute
12 a full, true, and accurate transcript of all of that portion of
13 the proceedings contained herein, had in the above-entitled
14 cause on the date specified therein, and that said transcript
15 was prepared under my direction and control.

16 DATED at Phoenix, Arizona, this 9th day of September,
17 2015.

18

19 s/Laurie A. Adams

20

Laurie A. Adams, RMR, CRR

21

22

23

24

25

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

United States of America

v.

Gordon Leroy Hall

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

No. CR 14-00184-001-PHX-NVW

Stephen C. Kunkle (CJA)

Attorney for Defendant

USM#: 41280-054

THERE WAS A verdict of guilty on 1/22/2015 as to Counts 1-4 of the Indictment.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSES: violating Title 18, U.S.C. §§ 2 and 514(a)(1), Aid and Abet Making Fictitious Instrument, a Class B Felony offense, as charged in Counts 1 and 2 of the Indictment; Title 18, U.S.C. §§ 2 and 514(a)(2), Aid and Abet Using Fictitious Instrument, a Class B Felony offense, as charged in Counts 3 and 4 of the Indictment.

IT IS THE JUDGMENT OF THIS COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of **NINETY-SIX (96) MONTHS** on Counts 1-4, with credit for time served. This term consists of **NINETY-SIX (96) MONTHS** on Count 1, **NINETY-SIX (96) MONTHS** on Count 2, **NINETY-SIX (96) MONTHS** on Count 3, and **NINETY-SIX (96) MONTHS** on Count 4, all such terms to run concurrently. This sentence shall run consecutively with the sentence of incarceration in the U.S. District Court, District of South Carolina, case 6:13-cr-00170-JMC-1. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **FIVE (5) YEARS** on Counts 1-4. This term consists of **FIVE (5) YEARS** on Count 1, **FIVE (5) YEARS** on Count 2, **FIVE (5) YEARS** on Count 3, and **FIVE (5) YEARS** on Count 4, all such terms to run concurrently. This term of supervised release is also concurrent to the term of supervised release in U.S. District Court, District of South Carolina, case 6:13-cr-00170-JMC-1.

IT IS ORDERED that the forfeiture allegation(s) in the Indictment are dismissed on motion of the United States.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$400.00 **FINE:** waived **RESTITUTION:** N/A

The defendant shall pay a special assessment of \$400.00, which shall be due immediately.

The Court finds the defendant does not have the ability to pay a fine and orders the fine waived.

The defendant shall pay a total of \$400.00 in criminal monetary penalties, due immediately. Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows: Balance is due in equal monthly installments of \$100.00 over a period of four months to commence 60 days after the release from imprisonment to a term of supervised release.

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, Suite 130, 401 West Washington Street, SPC 1, Phoenix, Arizona 85003-2118. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$400.00 shall be paid pursuant to Title 18, United States Code, Section 3013 for Counts 1-4 of the Indictment.

Any unpaid balance shall become a condition of supervision and shall be paid within 90 days prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

SUPERVISED RELEASE

Upon release from imprisonment, the defendant is placed on supervised release for a term of **FIVE (5) YEARS** on each of Counts 1-4, all such terms to run concurrently.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

It is the order of the Court that, pursuant to General Order 12-13, which incorporates the requirements of USSG §§5B1.3 and 5D1.2, you shall comply with the following conditions, of particular importance, you shall not commit another federal, state or local crime during the term of supervision and the defendant shall abstain from the use of illicit substances:

- 1) You shall not commit another federal, state, or local crime during the term of supervision.
- 2) You shall not leave the judicial district or other specified geographic area without the permission of the Court or probation officer.
- 3) The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.
- 4) You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 5) You shall support your dependents and meet other family responsibilities.
- 6) You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You shall notify the probation officer at least ten days prior to any change of residence or employment.
- 8) You shall refrain from excessive use of alcohol and are subject to being prohibited from the use of alcohol if ordered by the Court in a special condition of supervision.
- 9) You shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 801) or any paraphernalia related to such substances, without a prescription by a licensed medical practitioner. The use or possession of medicinal marijuana, even with a physician's written certification, is not permitted. Possession of controlled substances will result in mandatory revocation of your term of supervision.
- 10) You shall not frequent places where controlled substances are illegally sold, used, distributed or administered, or other places specified by the Court.

- 11) You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 12) You shall permit a probation officer to visit at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 13) You shall immediately notify the probation officer (within forty-eight (48) hours if during a weekend or on a holiday) of being arrested or questioned by a law enforcement officer.
- 14) You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notification and to confirm your compliance with such notification requirement.
- 16) If you have ever been convicted of a felony, you shall refrain from possessing a firearm, ammunition, destructive device, or other dangerous weapon. If you have ever been convicted of a misdemeanor involving domestic violence, you shall refrain from possession of any firearm or ammunition. Possession of a firearm will result in mandatory revocation of your term of supervision. This prohibition does not apply to misdemeanor cases that did not entail domestic violence, unless a special condition is imposed by the Court.
- 17) Unless suspended by the Court, you shall submit to one substance abuse test within the first 15 days of supervision and thereafter at least two, but no more than two periodic substance abuse tests per year of supervision, pursuant to 18 U.S.C. §§ 3563(a)(5) and 3583(d);
- 18) If supervision follows a term of imprisonment, you shall report in person to the Probation Office in the district to which you are released within seventy-two (72) hours of release.
- 19) You shall pay any monetary penalties as ordered by the Court. You will notify the probation officer of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.
- 20) If you have ever been convicted of any qualifying federal or military offense (including any federal felony) listed under 42 U.S.C. § 14135a(d)(1) or 10 U.S.C. § 1565(d), you shall cooperate in the collection of DNA as directed by the probation officer pursuant to 42 U.S.C. § 14135a(a)(2).

The following special conditions are in addition to the conditions of supervised release or supersede any related standard condition:

1. You shall submit your person, property, house, residence, vehicle, papers, computers as defined in 18 U.S.C. 1030(e)(1), other electronic communications or data storage devices or media, or office, to a search conducted by a probation officer. Failure to submit to a search may be grounds for revocation of release. You shall warn any other occupants that the premises may be subject to searches pursuant to this condition.
2. You shall provide all financial documentation requested by the probation office.
3. You are prohibited from making major purchases, incurring new financial obligations, or entering into any financial contracts without the prior approval of the probation officer.
4. You shall cooperate with the Internal Revenue Service and pay all tax liabilities. You shall file timely, accurate and lawful income tax returns and provide proof to the probation officer.

THE DEFENDANT IS ADVISED OF DEFENDANT'S RIGHT TO APPEAL BY FILING A NOTICE OF APPEAL IN WRITING WITHIN 14 DAYS OF ENTRY OF JUDGMENT.

CR 14-00184-001-PHX-NVW
USA vs. Gordon Leroy Hall

Page 4 of 4

The Court may change the conditions of probation or supervised release or extend the term of supervision, if less than the authorized maximum, at any time during the period of probation or supervised release. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of probation or supervised release.

The Court orders commitment to the custody of the Bureau of Prisons.

The defendant is remanded to the custody of the United States Marshal.

Date of Imposition of Sentence: **Tuesday, June 16, 2015**

DATED this 16th day of June, 2015.


Neil V. Wake
United States District Judge

RETURN

I have executed this Judgment as follows: _____

Defendant delivered on _____ to _____ at _____, the
institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

United States Marshal

By: _____
Deputy Marshal

FILED	LODGED
RECEIVED	COPY
JUN 22 2015	
CLERK U.S. DISTRICT COURT	
DISTRICT OF ARIZONA	
BY	DEPUTY

NOTICE
REJECTION OF OFFER FOR CAUSE
WITHOUT DISHONOR

NOTICE TO AGENT IS NOTICE TO PRINCIPAL - NOTICE TO PRINCIPAL
IS NOTICE TO AGENT
(Applicable to all Successors and Assigns)

17 June 2015

Offeror: Gordon Leroy
[c/o CCA, P.O. Box 6300
Florence, Arizona]

Offeror: United States of America
Lisa E. Tennes, Assistant U.S. Attorney
Two Renaissance Square, 40 N. Central #1200
Phoenix, Arizona 85004

RE: Rejection of Offer for Cause without Dishonor
regarding Case # 2:14-cr-00184 or new Offer
of June 16, 2015.

Comes now the beneficiary Gordon Leroy
and not a defendant of the Gordon Leroy Hall

estate having returned the property in case no: 2:14-cr-00184, U. S. District Court, District of Arizona pursuant to Title 12 USC 95a(2) to an appointed trustee of the United States to settle and close all matters with respect to the Gordon Leroy Hall estate in case No: 2:14-cr-00184, hereinafter "Offeree."

On Tuesday June 16, 2015, 1:15 pm at 401 W. Washington St., Phoenix, Arizona the Offeree was presented by the United States of America through its agent Lisa E. Jennis, Assistant United States Attorney, hereinafter "Offeror" either an extension to a previous offer/claim that was assigned to a government trustee for settlement pursuant to Title 12 USC 95a(2) or in the alternative is a new offer that is unsupported by any underlying substantive or written claim that has been served upon or delivered to the Offeree in order that the Offeree may return said Offer/property to the U.S. Treasury for remedy, styled as a sentencing hearing, hereinafter "Offer."

In either event the Offeree is hereby unequivocally rejecting the Offer for Cause without Dishonor being that said Offer is either unsupported in fact or not delivered to the Offeree to provide the Offeree with a remedy therefore denying the Offeree substantive due process and equal protection under the law.

The Offeree unequivocally rejects the Offer to be surety, gage, guarantor, etc. for any party for said Offer and vacate any order premised on said Offer as it applies to the Offeree or to any other party to whom the Offeree is presumed or assumed to be liable, defendant as surety, defendant, trustee, debtor, or in any other capacity making the Offeree liable for any debt or unpaid account in response to said Offer.

If the Offeror does not withdraw the Offer or vacate any order predicated upon the Offer that said Offeror hereby voluntarily, knowingly, and willingly agrees and stipulates with Offeree that the following is the full agreement between the Offeree

and the Offeror, hereinafter "Parties" with respect to the matter:

1. The Offeree shall be exempt, immune, and held harmless from any liability, debt or obligation, including but not limited to fines, penalties, interest, fees, prison time, supervised release, probation, duties and obligations to give reports, tax returns, etc. to any government with respect to the Offer or orders derived therefrom.

2. The authority for the Offeree to reduce the parties agreement in affidavit form to a declaration to be filed under penalty of perjury and affirmation as a final judgment order setting forth the above agreement in writing and filing said affidavit in the public records as a memorial to the Parties' final agreement resolving all matters between the parties herein. Said order may consist of a clause to vacate the Offer and any and all orders proceeding from the Offer as it relates to the Offeree with the exception of any orders that would discharge the Offeree and entitle the Offeree to a full

acquittance and discharge in the matter of the case or new offer.

3. That there will be an order given by the Offeror to discharge and release any property or collateral that has been seized or returned as surety in the object of any previous orders in this matter forthwith.

4. In the event the Offeror has not responded in substance to set forth a substantive claim in opposition to this "Notice Rejection of Offer for Cause without Dishonor" and the Offeror does not discharge and release the property and collateral referred in paragraph 3. above that NOTICE is hereby given that Offeror and Offeror's agent are personally liable for damages in the amount of \$100,000⁰⁰ U. S. dollars in gold per day overdue and owing for each and every day that the Offeror and Offeror's agents have not issued or caused to be issued an order for discharge and/or release of the property/collateral in this matter.

5. In the event Offeror and Offeror's agents do not respond or there is a non-response other than a tacit acquiescence that the Offeror and Offeror's agents have waived any and

all rights to review this administrative judgment, that this administrative judgment will become a "final expression in/of agreement in a record" by the Parties and the Offeror and Offeror's agents will be deemed to have waived any rights of continued administrative, executive or judicial review and the matter shall be res judicata and stare decisis.

Gordon LeRoy

Beneficiary Gordon LeRoy

The undersigned parties bear witness that the living man known to us as Gordon LeRoy appeared before us and in our presence did execute this instrument with his autograph.

Frank Sanchez
Frank Sanchez

Adolfo Hernandez Soto
Adolfo Hernandez-Soto

cc: Neil V. Wake

U.S. Attorney

United States of America

Clerk of Court, U.S. District Court, District of Arizona

Warden C. Keeton, CCA

CERTIFICATE OF SERVICE

It is hereby certified that on the date noted below, the undersigned mailed to:

LISA E. Jennis	Neil V. Wake	U.S. Attorney
Assistant U.S. Attorney	401 W. Washington St.	401 W Washington St.
Two Renaissance Square	Phoenix, Arizona 85003	Phoenix, Arizona 85003
40 N. Central Ave. Suite 1200		
Phoenix, Arizona 85004	Warden C. Keeton	Clerk of Court, U.S. District Court
	CCA, P.O. Box 6300	410 W Washington
	Florence, Arizona 85132	Phoenix, Arizona 85003

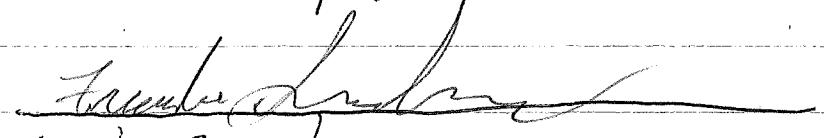
hereinafter "Recipients" the documents and sundry papers pertaining to either Case: 2:14-cr-00184 or new Offer as follows:

1. NOTICE REJECTION OF OFFER FOR CAUSE

WITHOUT DISHONOR dated 17 June 2015 (6 leaves)

2. Copy of this Certificate of Service (1 page)

This mailing contained a total of seven (7) pages. I personally placed these mailings into a U.S. mail receptacle at CCA an official depository at CCA, P.O. Box 6300, Florence Arizona. The mailings were by postpaid envelope properly addressed to the recipients this 17th day of June 2015.


Frank Sanchez

STEPHEN C. KUNKLE, PLLC
Stephen C. Kunkle, Attorney at Law
5150 North 16th Street, Suite A-222
Phoenix, AZ 85020
AZ State Bar # 016239
Tel: 602.266.6900
Fax: 602.256.1121
E-mail: Kunkle@msn.com
ATTORNEY FOR DEFENDANT G

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

NOTICE is hereby given that GORDON LEROY HALL, the defendant in the above captioned case, hereby appeals to the United States Court of Appeals for the Ninth Circuit from the judgment and convictions following trial and the sentences imposed in this action by the Honorable Neil V. Wake, said judgment entered of record on or about June 17, 2015 (Doc. 154).

RESPECTFULLY SUBMITTED
Dated this 22nd day of June 2015

By: *s/Stephen C. Kunkle*
Stephen C. Kunkle
Attorney for Defendant

1 I hereby certify that on June 22nd 2015, I electronically transmitted the
2 attached document to the Clerk's Office using the CM/ECF system for filing and
3 transmittal of Notice of Electronic Filing to the following CM/ECF registrants:

4 The Honorable Neil V. Wake
5 United States District Court Judge

6 Clerk of Court
7 United State District Court

8 And additional copies to:

9
10 Lisa Jennis
11 Assistant United States Attorney
12 40 North Central Avenue
13 Phoenix, AZ 85004
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**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CRIMINAL DOCKET FOR CASE #: 2:14-cr-00184-NVW-1**

Case title: USA v. Hall et al

Date Filed: 02/04/2014
Date Terminated: 06/17/2015

Assigned to: Judge Neil V Wake

Appeals court case number: 15-10322
Ninth Circuit

Defendant (1)

Gordon Leroy Hall

TERMINATED: 06/17/2015

represented by **Daniel Lee Kaplan**

Federal Public Defenders Office
850 W Adams St
Ste 201

Phoenix, AZ 85007-2730

602-382-2767

Fax: 602-382-2700

Email: dan_kaplan@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

*Designation: Public Defender or
Community Defender Appointment*

Stephen Christopher Kunkle

Stephen C Kunkle PLLC

5150 N 16th St

Ste A222

Phoenix, AZ 85016

602-266-6900

Fax: 602-256-1121

Email: kunkle@msn.com

TERMINATED: 07/02/2015

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Pending Counts

Disposition

Defendant is hereby committed to the custody of the Bureau of Prisons for a term of NINETY-SIX (96) MONTHS on Counts 1-4, with credit for time served. This term consists of NINETY-SIX (96) ER 1101

18:514(a)(1) and 2 - Making Fictitious
Instrument and Aid & Abet
(1-2)

MONTHS on Count 1, NINETY-SIX (96) MONTHS on Count 2, NINETY-SIX (96) MONTHS on Count 3, and NINETY-SIX (96) MONTHS on Count 4, all such terms to run concurrently. This sentence shall run consecutively with the sentence of incarceration in the U.S.

District Court, District of South Carolina, case 6:13-cr-00170-JMC-1. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of FIVE (5) YEARS on Counts 1-4. This term consists of FIVE (5) YEARS on Count 1, FIVE (5) YEARS on Count 2, FIVE (5) YEARS on Count 3, and FIVE (5) YEARS on Count 4, all such terms to run concurrently. This term of supervised release is also concurrent to the term of supervised release in U.S. District Court, District of South Carolina, case 6:13-cr-00170-JMC-1. SPECIAL ASSESSMENT: \$400.00

Defendant is hereby committed to the custody of the Bureau of Prisons for a term of NINETY-SIX (96) MONTHS on Counts 1-4, with credit for time served. This term consists of NINETY-SIX (96) MONTHS on Count 1, NINETY-SIX (96) MONTHS on Count 2, NINETY-SIX (96) MONTHS on Count 3, and NINETY-SIX (96) MONTHS on Count 4, all such terms to run concurrently. This sentence shall run consecutively with the sentence of incarceration in the U.S.

District Court, District of South Carolina, case 6:13-cr-00170-JMC-1. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of FIVE (5) YEARS on Counts 1-4. This term consists of FIVE (5) YEARS on Count 1, FIVE (5) YEARS on Count 2, FIVE (5) YEARS on Count 3, and FIVE (5) YEARS on Count 4, all such terms to run concurrently. This term of supervised release is also concurrent to the term of supervised release in U.S. District Court, District of South Carolina, case 6:13-cr-00170-JMC-1. SPECIAL ASSESSMENT: \$400.00

18:514(a)(2) and 2 - Using Fictitious
Instrument and Aid & Abet
(3-4)

Highest Offense Level (Opening)

Felony

Terminated Counts18:922(g)(1) and 924(a)(2) - Felon in Possession of a Firearm
(5)**Disposition**

Dismissed without prejudice upon motion of the USA.

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition**Plaintiff**

USA

represented by **Lisa Jennis**
US Attorneys Office - Phoenix, AZ
2 Renaissance Square
40 N Central Ave., Ste. 1200
Phoenix, AZ 85004-4408
602-514-7500
Fax: 602-514-7450
Email: lisa.jennis@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Assistant US Attorney***Monica B Edelstein**US Attorneys Office - Phoenix, AZ
2 Renaissance Square
40 N Central Ave., Ste. 1200
Phoenix, AZ 85004-4408
602-514-7500
Email: monica.edelstein@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
02/04/2014	<u>3</u>	INDICTMENT as to Gordon Leroy Hall (1) count(s) 1-2, 3-4, 5, Brandon Alexander Adams (2) count(s) 1-2, 3-4, Benton Tyler Thomas Hall (3) count(s) 1-2, 3-4. (Forfeiture Allegations) (MAP) (Entered: 02/06/2014)
02/04/2014	<u>5</u>	NOTICE OF NO PROBABLE JUDGE CONFLICT re: Magistrate Judge Steven P ER 1103

		Logan filed by USA as to Gordon Leroy Hall, Brandon Alexander Adams, Benton Tyler Thomas Hall. (MAP) (Entered: 02/06/2014)
02/10/2014	10	MINUTE ORDER: Due to a clerical error, this case was incorrectly assigned to the Prescott division. This matter has been reassigned to the Phoenix division and assigned to Judge Neil V. Wake. Judge David G. Campbell is no longer assigned. All future documents should bear the correct case number: CR-14-00184-PHX-NVW (MHB) as to Gordon Leroy Hall, Brandon Alexander Adams, Benton Tyler Thomas Hall. (cc: AUSA/NVW/DGC/PTS/USMS) (MAP) (Entered: 02/10/2014)
02/18/2014	14	MOTION to Unseal Indictment by USA as to Gordon Leroy Hall, Brandon Alexander Adams, Benton Tyler Thomas Hall. (MAP) (Entered: 02/18/2014)
04/24/2014	42	ARREST Warrant Returned Executed on 4/24/2014 as to Gordon Leroy Hall. (MAP) (Entered: 06/09/2014)
04/28/2014		Arrest of Gordon Leroy Hall in District of South Carolina. (MAP) (Entered: 04/28/2014)
04/28/2014	30	Rule 5(c)(3) Documents Received (District of South Carolina) as to Gordon Leroy Hall. (MAP) (Entered: 04/28/2014)
05/19/2014	31	<p>MINUTE ENTRY for proceedings held before Magistrate Judge John A. Buttrick: Initial Appearance and Arraignment as to Gordon Leroy Hall held on 5/19/2014. NO FINANCIAL AFFIDAVIT TAKEN. CJA Attorney Ashley Traher standing by for possible appointment. Ms. Traher advises the Court that the defendant has indicated he does not wish to have court-appointed counsel. Discussion held. Defendant confirms on the record that he WAIVES his right to court-appointed counsel and wishes to represent himself in this matter. The Court informs the defendant that should he later decide to request court-appointed counsel, he will need to file the appropriate paperwork with the Court. The Court advises the defendant of his right to a Detention Hearing. Defendant requests to set the Detention Hearing out a week. Defendant confirms on the record that he understands that unless he retains counsel, there will NOT be a court-appointed attorney present to represent him at the Detention Hearing. Defendant to remain temporarily detained in the custody of the United States Marshal pending the Detention Hearing. The Court excuses Ms. Traher from any responsibility in this matter.</p> <p>Appearances: AUSA Vincent Kirby appearing for AUSA Lisa Jennis for the Government, CJA Attorney Ashley Traher (only standing by for possible appointment), and pro se defendant Gordon Leroy Hall. Defendant is present and in custody. Motions due by 6/6/2014. Detention Hearing set for 5/29/2014 at 10:30 AM in Courtroom 302, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Lawrence O. Anderson. Jury Trial set for 7/1/2014 at 9:00 AM in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V. Wake. (Recorded by COURTSMART.) Hearing held 3:41 PM to 4:11 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MRH) (Entered: 05/20/2014)</p>
05/28/2014	33	MOTION FOR A FARETTA HEARING by USA as to Gordon Leroy Hall, Benton Tyler Thomas Hall. (Attachments: # 1 Text of Proposed Order, # 2 Attachment A)(Jennis, Lisa) (Entered: 05/28/2014)

05/28/2014	34	MOTION to Continue <i>Detention Hearing</i> by USA as to Gordon Leroy Hall. (Attachments: # 1 Text of Proposed Order)(Jennis, Lisa) (Entered: 05/28/2014)
05/28/2014	35	ORDER Granting Government's 34 Motion to Continue Detention Hearing as to Gordon Leroy Hall (1). Detention Hearing set for 5/29/14 is reset to 6/5/2014 at 09:30 AM in Courtroom 304, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Bridget S Bade. Signed by Magistrate Judge Lawrence O Anderson on 5/28/14.(SMH) (Entered: 05/28/2014)
05/29/2014	36	ORDER: The Court having reviewed the Government's Motion for a Faretta Hearing (Doc. 33) as to Gordon Leroy Hall (1) and Benton Tyler Thomas Hall (3), ORDERED granting the Motion. FURTHER ORDERED setting a Faretta hearing for 06/04/14, at 10:30 AM, in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V. Wake. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 05/29/2014)
05/29/2014	37	ORDER: IT IS ORDERED resetting the Faretta Hearing as to Gordon Leroy Hall (1) and Benton Tyler Thomas Hall (3) from 06/04/14 to 06/11/14, at 3:00 PM (ONE WEEK LATER), in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V. Wake. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 05/29/2014)
05/30/2014	38	Second MOTION to Continue <i>Detention Hearing</i> by USA as to Gordon Leroy Hall. (Attachments: # 1 Text of Proposed Order)(Jennis, Lisa) (Entered: 05/30/2014)
06/02/2014	39	ORDER granting the Government's 38 Motion to Continue as to Gordon Leroy Hall (1) and resetting the Detention Hearing from June 5, 2014 to Friday, June 13, 2014 at 09:30 AM in Courtroom 303, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Michelle H Burns. Signed by Magistrate Judge Lawrence O Anderson on 05/31/14.(ESL) (Entered: 06/02/2014)
06/04/2014	41	ORDER granting 40 Second Unopposed Motion to Continue Trial and Extend Deadline to File Motions as to Brandon Alexander Adams (2). As to all Defendants, FURTHER ORDERED continuing the trial from 07/01/14 to 09/02/14 at 9:00 AM. Motions due by 08/08/14. See order for details. Signed by Judge Neil V. Wake on 6/4/14. (NKS) (Entered: 06/04/2014)
06/10/2014	44	Petition for Court to Take Mandatory Judicial Notice of Sealed Filing in Chambers by Gordon Leroy Hall. (ALS) (Entered: 06/13/2014)
06/11/2014	43	MINUTE ENTRY for proceedings held before Judge Neil V. Wake: Faretta Hearing as to Gordon Leroy Hall (1) and Benton Tyler Thomas Hall (3) held on 6/11/2014. The Court finds that Defendant Benton Hall knowingly and voluntarily waives his right to counsel. The Court finds that Defendant Gordon Hall has failed to demonstrate a knowing and intelligent waiver of his right to counsel. The Court orders that Defendant Gordon Hall's request to proceed without appointed counsel is denied. The Court further orders that Magistrate Judge Michelle Burns shall appoint counsel for Defendant Gordon Hall at the Detention Hearing currently set for 9:30 AM on 06/13/14. (Court Reporter Laurie Adams.) Hearing held 3:33 p.m. to 4:28 p.m. (NKS) (Entered: 06/12/2014)

06/13/2014	45	MINUTE ENTRY for proceedings held before Magistrate Judge Michelle H Burns: Attorney Appointment Hearing as to Gordon Leroy Hall held on 6/13/2014. FINANCIAL AFFIDAVIT TAKEN. CJA Attorney Stephen Christopher Kunkle appointed. Detention Hearing submitted with leave to reopen should there be a change in circumstances. Defendant continued detained pending trial. Appearances: AUSA Lisa Jennis for the Government, CJA Attorney Stephen Kunkle for defendant. Defendant is present and in custody. (Recorded by COURTSMART.) Hearing held 9:36 AM to 9:43 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (KAL) (Entered: 06/13/2014)
06/13/2014	47	ORDER OF DETENTION PENDING TRIAL as to Gordon Leroy Hall. Signed by Magistrate Judge Michelle H. Burns on 6/13/2014. (MRH) (Entered: 06/13/2014)
06/16/2014	48	ORDER denying Defendant Gordon Leroy Hall's (Pro Se) Petition for Court to Take Mandatory Judicial Notice of Sealed Filings in Chambers (Doc. 44) as moot. Signed by Judge Neil V. Wake on 6/16/14. (NKS) (Entered: 06/16/2014)
08/06/2014	50	ORDER as to Gordon Leroy Hall (1), Brandon Alexander Adams (2) and Benton Tyler Thomas Hall (3). Status Conference set for 08/18/14, at 2:30 PM, in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V. Wake. Plea requests or motions to continue are due no later than 08/13/14. See order for details. Signed by Judge Neil V. Wake on 8/6/14. (NKS) (Entered: 08/06/2014)
08/12/2014	51	First MOTION to Continue Trial by Gordon Leroy Hall. (Attachments: # 1 Text of Proposed Order propsoed order)(Kunkle, Stephen) (Entered: 08/12/2014)
08/12/2014	52	Supplemental MOTION to Continue Trial by Gordon Leroy Hall. (Attachments: # 1 Text of Proposed Order)(Kunkle, Stephen) (Entered: 08/12/2014)
08/13/2014	53	ORDER: The Court having reviewed the Motion to Continue Trial (Doc. 51) and the Supplemental Motion (Doc. 52) as to Gordon Leroy Hall (1), Brandon Alexander Adams (2) and Benton Tyler Thomas Hall (3), ORDERED setting a motion hearing for 08/18/14, at 2:30 PM (same date/time as the Status Conference), in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V. Wake. The parties should be prepared to discuss the setting of a FIRM trial date at this hearing. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 08/13/2014)
08/18/2014	56	MINUTE ENTRY for proceedings held before Judge Neil V. Wake: Status Conference as to Gordon Leroy Hall (1), Brandon Alexander Adams (2) & Benton Tyler Thomas Hall (3) held on 8/18/2014. Discussion is held. As to all the Defendants, the Court grants Defendant Gordon Hall's Motion to Continue Trial (Doc. 51). Separate order to follow. If this case is not resolved, the Court will likely set a FIRM trial date at the next status conference. Appearances: AUSA Lisa Jennis for the Government, CJA Attorney Stephen Kunkle for Defendant Gordon Leroy Hall (1). CJA Attorney Mark Heath, II for Defendant Brandon Alexander Adams (2). Pro Se Defendant Benton Tyler

		Thomas Hall representing himself. Both Hall Defendants are present and in custody. Brandon Alexander Adams is not present and released. (Court Reporter Laurie Adams.) Hearing held 2:42 p.m. to 2:48 p.m. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 08/18/2014)
08/18/2014	57	ORDER granting 51 Motion to Continue Trial filed as to Gordon Leroy Hall (1). As to all Defendants, FURTHER ORDERED continuing the trial from 09/02/14 to 12/02/14, at 9:00 AM. Motions due by 11/14/14. See order for details. Signed by Judge Neil V. Wake on 8/18/14. (NKS) (Entered: 08/18/2014)
09/17/2014	59	TRANSCRIPT REQUEST by Derrick Miller as to Gordon Leroy Hall, Brandon Alexander Adams, Benton Tyler Thomas Hall for Initial Appearance proceedings held on 05/19/2014, Judge Neil V Wake hearing judge(s). (RAP) (Entered: 09/17/2014)
11/10/2014	60	ORDER as to Gordon Leroy Hall (1), Brandon Alexander Adams (2) and Benton Tyler Thomas Hall (3). Status Conference set for 11/24/14, at 3:00 PM, in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V. Wake. Plea requests or motions to continue are due no later than 11/19/14. See order for details. Signed by Judge Neil V. Wake on 11/10/14. (NKS) (Entered: 11/10/2014)
11/19/2014	61	Second MOTION to Continue Trial and Plea Deadline by Gordon Leroy Hall. (Attachments: # 1 Text of Proposed Order)(Kunkle, Stephen) (Entered: 11/19/2014)
11/19/2014	62	ORDER: The Court having reviewed the Motion to Continue Trial (Doc. 61) as to Gordon Leroy Hall (1), Brandon Alexander Adams (2) and Benton Tyler Thomas Hall (3), ORDERED setting a motion hearing for 11/24/14, at 3:00 PM (same date/time as the Status Conference), in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V. Wake. The parties should be prepared to discuss the setting of a FIRM trial date at this hearing. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 11/19/2014)
11/20/2014	63	MOTION for Reconsideration <i>TO WAIVE DEFENDANT'S PRESENCE AT STATUS CONFERENCE</i> by Gordon Leroy Hall. (Kunkle, Stephen) (Entered: 11/20/2014)
11/21/2014	64	ORDER: The Court having reviewed Defendant Gordon Leroy Hall's (1) Motion to Waive Defendant's Presence at Status Conference (Doc. 63), with no objection from the Government, ORDERED granting the Motion. FURTHER ORDERED that Defendant Gordon Hall's presence at the Status Conference/Motion Hearing on November 24, 2014, is waived. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 11/21/2014)
11/24/2014	65	MINUTE ENTRY for proceedings held before Judge Neil V. Wake: Status Conference as to Gordon Leroy Hall (1), Brandon Alexander Adams (2) and Benton Tyler Thomas Hall (3) held on 11/24/2014. Discussion is held. The Court grants the Defendant's Motion to Continue Trial (Doc. 61) and sets a FIRM trial date. Separate order to issue.

		<p>Appearances: AUSA Lisa Jennis for the Government, CJA Attorney Stephen Kunkle for Defendant Gordon Leroy Hall (1). CJA Attorney Mark Heath, II for Defendant Brandon Alexander Adams (2). CJA Attorney Eric Kessler (advisory counsel only) for Defendant Benton Tyler Thomas Hall (3). Pro Se Defendant Benton Tyler Thomas Hall representing himself. Defendant Gordon Leroy Hall is not present and in custody. Defendant Brandon Alexander Adams is present and released. Defendant Benton Tyler Thomas Hall is present and in custody. (Court Reporter Laurie Adams.) Hearing held 3:26 p.m. to 3:34 p.m. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 11/24/2014)</p>
11/25/2014	<u>66</u>	ORDER granting <u>61</u> Motion to Continue Trial as to Gordon Leroy Hall (1). As to all Defendants, FURTHER ORDERED continuing the trial from 12/02/14 to 01/20/15, at 8:45 AM (FIRM TRIAL). Motions due by 12/12/14. See order for details. Signed by Judge Neil V. Wake on 11/25/14. (NKS) (Entered: 11/25/2014)
12/15/2014	<u>67</u>	ORDER as to Gordon Leroy Hall (1), Brandon Alexander Adams (2) and Benton Tyler Thomas Hall (3) affirming the trial date of 01/20/15, at 8:45 AM (FIRM TRIAL). Motions due by 12/19/14. Final Pretrial Conference set for 01/13/15, at 2:00 PM, in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V. Wake. Court's plea deadline is 01/06/15, at 4:00 PM. See order for details. Signed by Judge Neil V. Wake on 12/15/14. (NKS) (Entered: 12/15/2014)
12/18/2014	<u>68</u>	First MOTION to Determine Competency by Gordon Leroy Hall. (Kunkle, Stephen) (Entered: 12/18/2014)
12/19/2014	<u>69</u>	NOTICE OF CONFESSIONS, ADMISSIONS AND STATEMENTS PURSUANT TO LOCAL RULE 16.1 by USA as to Gordon Leroy Hall, Brandon Alexander Adams, Benton Tyler Thomas Hall. (Jennis, Lisa) (Entered: 12/19/2014)
12/19/2014	<u>70</u>	NOTICE OF INTENT TO OFFER TESTIMONY BY EXPERT by USA as to Gordon Leroy Hall, Brandon Alexander Adams, Benton Tyler Thomas Hall. (Attachments: # <u>1</u> Exhibit A)(Jennis, Lisa) (Entered: 12/19/2014)
12/19/2014	<u>71</u>	NOTICE OF INTENT TO OFFER SELF-AUTHENTICATING DOCUMENTS AT TRIAL by USA as to Gordon Leroy Hall, Benton Tyler Thomas Hall. (Jennis, Lisa) (Entered: 12/19/2014)
12/22/2014	<u>72</u>	ORDER: The Court having reviewed Defendant Gordon Leroy Hall's (1) Motion to Determine Competency (Doc. <u>68</u>), ORDERED setting oral argument for 01/07/15, at 10:30 AM, in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V. Wake. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 12/22/2014)
12/23/2014	<u>73</u>	NOTICE OF ATTORNEY APPEARANCE: Monica Edelstein appearing for USA . (Edelstein, Monica) (Entered: 12/23/2014)
01/06/2015	<u>74</u>	First MOTION to Withdraw as Attorney as to attorney Stephen C. Kunkle by Gordon Leroy Hall. (Kunkle, Stephen) (Entered: 01/06/2015)
01/07/2015	<u>77</u>	MINUTE ENTRY for proceedings held before Judge Neil V. Wake: Motion Hearing as to Gordon Leroy Hall held on 01/07/15. Brief discussion is held. The Government is excused from the courtroom. Ex parte (sealed) discussion is held

		<p>with defense counsel and the Defendant. The Court denies the Defendant's Motion to Withdraw as Counsel (Doc. 74). The Government returns to the courtroom. For the reasons stated on the record, the Court finds the Defendant competent to proceed at this time (re: Doc. 68). The Court will extend its plea deadline from 01/06/15 to 01/13/15 (a change of plea hearing must be held by this date). Final Pretrial Conference is reset from 01/13/15 to 01/15/15, at 11:00 AM, in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V. Wake.</p> <p>Appearances: AUSA Lisa Jennis for the Government, CJA Attorney Stephen Kunkle for defendant. Defendant is present and in custody. (Court Reporter Laurie Adams.) Hearing held 10:35 a.m. to 11:42 a.m. (ex parte discussion held from 10:47 a.m. to 11:24 a.m.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 01/07/2015)</p>
01/09/2015	82	Joint Statement of the Case by USA as to Gordon Leroy Hall. (Edelstein, Monica) (Entered: 01/09/2015)
01/09/2015	83	WITNESS LIST by USA as to Gordon Leroy Hall. (Edelstein, Monica) (Entered: 01/09/2015)
01/09/2015	84	NOTICE <i>OF INTENT TO OFFER TESTIMONY BY EXPERT (SUPPLEMENTAL)</i> by USA as to Gordon Leroy Hall, Brandon Alexander Adams, Benton Tyler Thomas Hall. (Attachments: # 1 Exhibit A)(Jennis, Lisa) (Entered: 01/09/2015)
01/12/2015	85	Joint Proposed Voir Dire by USA as to Gordon Leroy Hall. (Edelstein, Monica) (Entered: 01/12/2015)
01/12/2015	86	Joint Proposed Jury Instructions by USA as to Gordon Leroy Hall. (Edelstein, Monica) (Entered: 01/12/2015)
01/14/2015		NOTICE OF ASSIGNMENT: The presentence investigation has been assigned to USPO Rochelle Collins as to Gordon Leroy Hall, Brandon Alexander Adams. (Collins, Rochelle) (Entered: 01/14/2015)
01/15/2015	91	MINUTE ENTRY for proceedings held before Judge Neil V. Wake: Final Pretrial Conference as to Gordon Leroy Hall (1) held on 01/15/15. See minutes for details. (Court Reporter Laurie Adams.) Hearing held 11:14 a.m. to 12:38 p.m. (NKS) (Entered: 01/15/2015)
01/16/2015	92	MOTION for Separate Trial on Counts Gordon Leroy Hall (1) Count 5 by Gordon Leroy Hall. (Kunkle, Stephen) (Entered: 01/16/2015)
01/20/2015	93	RESPONSE in Opposition by USA as to Gordon Leroy Hall re: 92 MOTION for Separate Trial on Counts Gordon Leroy Hall (1) Count 5 . (Edelstein, Monica) (Entered: 01/20/2015)
01/20/2015	94	MINUTE ENTRY for proceedings held before Judge Neil V. Wake: Jury Trial (Day One) as to Gordon Leroy Hall (1) held on 01/20/15. The Defendant's Motion to Sever Count 5 (Felon in Possession) from Counts 1-4 (Doc. 92) is discussed. Motion is granted. The Court will set an additional firm trial date at a later time on Count 5. See minutes for details. (Court Reporter Laurie Adams.) Hearing held 8:52 a.m. to 5:33 p.m. (NKS) (Entered: 01/20/2015)

01/21/2015	95	MOTION for Jury Instruction by Gordon Leroy Hall. (Kunkle, Stephen) Modified text on 1/22/2015 (LFIG). (Entered: 01/21/2015)
01/21/2015	96	Second Proposed Jury Instructions by USA as to Gordon Leroy Hall. (Edelstein, Monica) (Entered: 01/21/2015)
01/21/2015	97	MINUTE ENTRY for proceedings held before Judge Neil V. Wake: Jury Trial (Day Two) as to Gordon Leroy Hall held on 01/21/15. Defense counsel makes a motion for mistrial at sidebar (two separate motions). Oral motions denied. See minutes for details. (Court Reporter Liz Lemke.) Hearing held 9:06 a.m. to 5:58 p.m. (NKS) (Entered: 01/21/2015)
01/21/2015	98	MOTION for Jury Instruction Defense Theory by Gordon Leroy Hall. (Kunkle, Stephen) Modified text on 1/22/2015 (LFIG). (Entered: 01/21/2015)
01/22/2015	99	MINUTE ENTRY for proceedings held before Judge Neil V. Wake: Jury Trial (Day Three) Completed as to Gordon Leroy Hall (1) on 01/22/15. Defense counsel makes an oral motion for judgment of acquittal. Motion is denied for the reasons stated on the record. The Court suggests Tuesday, 02/17/15, as a date to try the severed count (Count 5). Counsel are directed to confer and let the deputy clerk know within a couple of days if this date will work for both parties. Gordon Leroy Hall (1) found guilty as to Count 1-4 of the Indictment. Sentencing set for 04/20/15, at 11:00 AM, in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V. Wake. The Court directs the U.S. Probation Office to prepare a presentence report. See minutes for details. (Court Reporters Liz Lemke and Laurie Adams (for verdict only).) Hearing held 9:09 a.m. to 4:22 p.m. (NKS) (Entered: 01/22/2015)
01/22/2015	100	WITNESS LIST by USA as to Gordon Leroy Hall. (NKS) (Entered: 01/27/2015)
01/22/2015	101	EXHIBIT LIST by USA as to Gordon Leroy Hall. (NKS) (Entered: 01/27/2015)
01/22/2015	102	EXHIBIT LIST by Gordon Leroy Hall. (NKS) (Entered: 01/27/2015)
01/22/2015	103	JURY VERDICT as to Gordon Leroy Hall. (NKS) (Entered: 01/27/2015)
01/22/2015	174	Jury Instructions (FINAL) as to Gordon Leroy Hall. (NKS) (Entered: 09/03/2015)
01/26/2015		NOTICE OF ASSIGNMENT: The presentence investigation has been assigned to USPO Tey'a Chappell as to Gordon Leroy Hall. (Chappell, Tey'a) (Entered: 01/26/2015)
02/06/2015	104	MOTION to Dismiss Counts: Count(s) Five of the Indictment without Prejudice by USA as to Gordon Leroy Hall. (Attachments: # 1 Text of Proposed Order) (Jennis, Lisa) (Entered: 02/06/2015)
02/09/2015	105	ORDER granting the Government's Unopposed Motion to Dismiss (Doc. 104) as to Gordon Leroy Hall (1). FURTHER ORDERED dismissing Count Five of the Indictment without prejudice. Signed by Judge Neil V. Wake on 2/9/15. (NKS) (Entered: 02/09/2015)
04/10/2015	120	ORDER that the Clerk not file the two papers submitted by Defendant Gordon Leroy Hall and that the Clerk mail the originals to Defendant's counsel of record. Signed by Judge Neil V. Wake on 4/10/15. (NKS) (Entered: 04/10/2015)
04/14/2015	123	First MOTION to Continue Sentencing by Gordon Leroy Hall. (Attachments: # 1 ER 1110)

		Text of Proposed Order Order proposed)(Kunkle, Stephen) (Entered: 04/14/2015)
04/14/2015	124	ORDER: The Court having reviewed the Defendant's Motion to Continue Sentencing (Doc. 123) as to Gordon Leroy Hall (1), with no objection from the Government, ORDERED granting the Motion. FURTHER ORDERED continuing the Sentencing Hearing from 04/20/15 to 06/15/15, at 3:30 PM, in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V. Wake. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 04/14/2015)
04/27/2015	126	NOTICE re: Possible Misguided Forwarding of Documents by Gordon Leroy Hall. (3 pages) (ACL) (Entered: 04/28/2015)
06/11/2015	140	Second MOTION to Continue Sentencing by Gordon Leroy Hall. (Attachments: # 1 Text of Proposed Order)(Kunkle, Stephen) (Entered: 06/11/2015)
06/11/2015	141	ORDER denying the Defendant's Motion to Continue Sentencing (Doc. 140) as to Gordon Leroy Hall (1). FURTHER ORDERED that the U.S. Marshals ensure that Defendant Gordon Leroy Hall (# 41280-054) is made available to meet and confer with his attorney between 12:00-3:00 PM on Monday, 06/15/15. FURTHER ORDERED that Defendant Gordon Leroy Hall cooperate fully with his attorney in preparing for his 3:30 sentencing. Signed by Judge Neil V. Wake on 6/11/15. (cc: USMS) (NKS) (Entered: 06/11/2015)
06/11/2015	142	Second MOTION to Withdraw as Attorney as to attorney Stephen C. Kunkle by Gordon Leroy Hall. (Kunkle, Stephen) (Entered: 06/11/2015)
06/12/2015	143	ORDER: IT IS ORDERED that Defendant's Motion to Withdraw as Counsel (Doc. 142) as to Gordon Leroy Hall (1) will be addressed ex parte at the Sentencing Hearing on 06/15/15, at 3:30 PM, in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V. Wake. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 06/12/2015)
06/15/2015	146	MINUTE ENTRY for proceedings held before Judge Neil V. Wake: Status Conference (set as Sentencing) as to Gordon Leroy Hall (1) held on 06/15/15. Due to the late hour, today's hearing is continued to 06/16/15, at 1:15 PM, in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V. Wake. The Government's presence will not be required for the first 30 minutes (approximate) of tomorrow's hearing. Appearances: AUSA Lisa Jennis and AUSA Monica Edelstein for the Government, CJA Attorney Stephen Kunkle for defendant. Defendant is present and in custody. (Court Reporter Laurie Adams.) Hearing held 4:54 p.m. to 4:57 p.m. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 06/15/2015)
06/16/2015	150	MINUTE ENTRY for proceedings held before Judge Neil V. Wake: Motion Hearing (Ex Parte) as to Gordon Leroy Hall (1) held on 6/16/2015. The Defendant's Motion to Withdraw as Counsel (Doc. 142) is discussed. For the reasons stated on the record, the Court denies the Motion. CJA Attorney Stephen Kunkle for defendant. Defendant is present and in custody.

		(Court Reporter Laurie Adams.) Hearing held 1:18 p.m. to 1:34 p.m. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 06/16/2015)
06/16/2015	151	<p>MINUTE ENTRY for proceedings held before Judge Neil V. Wake: Sentencing as to Gordon Leroy Hall (1) held on 6/16/2015. Discussion is held. Sentence imposed. Judgment to issue.</p> <p>Appearances: AUSA Lisa Jennis and AUSA Monica Edelstein for the Government, CJA Attorney Stephen Kunkle for defendant. Defendant is present and in custody. (Court Reporter Laurie Adams.) Hearing held 1:51 p.m. to 3:18 p.m. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 06/16/2015)</p>
06/17/2015	<u>154</u>	<p>JUDGMENT AND COMMITMENT ISSUED as to Gordon Leroy Hall (1), Count(s) 1-4, Defendant is hereby committed to the custody of the Bureau of Prisons for a term of NINETY-SIX MONTHS on Counts 1-4, with credit for time served. This term consists of NINETY-SIX MONTHS on Count 1, NINETY-SIX MONTHS on Count 2, NINETY-SIX MONTHS on Count 3, and NINETY-SIX MONTHS on Count 4, all such terms to run concurrently. This sentence shall run consecutively with the sentence of incarceration in the U.S. District Court, District of South Carolina, case 6:13-cr-00170-JMC-1. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of FIVE YEARS on Counts 1-4. This term consists of FIVE YEARS on Count 1, FIVE YEARS on Count 2, FIVE YEARS on Count 3, and FIVE YEARS on Count 4, all such terms to run concurrently. This term of supervised release is also concurrent to the term of supervised release in U.S. District Court, District of South Carolina, case 6:13-cr-00170-JMC-1. SPECIAL ASSESSMENT: \$400.00, Count(s) 5, Dismissed without prejudice upon motion of the USA. IT IS ORDERED that the forfeiture allegation(s) in the Indictment are dismissed on motion of the United States. Signed by Judge Neil V Wake on 6/16/15.(KGM) (Entered: 06/17/2015)</p>
06/22/2015	<u>156</u>	<p>*NOTICE OF APPEAL to 9th Circuit Court of Appeals as to Gordon Leroy Hall re: <u>154</u> Judgment and Commitment/of Probation Issued. (Kunkle, Stephen) *Modified to remove document relationship on 6/22/2015 (KMG). (Entered: 06/22/2015)</p>
06/22/2015	<u>157</u>	** STRICKEN by DOC. <u>158</u> ** NOTICE/Rejection of Offer by Gordon Leroy Hall. (7 pages) (ACL) Modified on 6/23/2015 (LMR). (Entered: 06/22/2015)
06/23/2015	<u>158</u>	ORDER as to Gordon Leroy Hall: The document titled Notice to Agent is Notice to Principal, etc. <u>157</u> filed by Defendant Gordon Leroy Hall is improper because, being represented by counsel, he may not file documents on his own, and because it is irrelevant and impertinent. Notice to Agent is Notice to Principal, etc. <u>157</u> is stricken. Signed by Judge Neil V Wake on 6/22/2015.(LMR) (Entered: 06/23/2015)
06/24/2015	<u>159</u>	USCA Case Number as to Gordon Leroy Hall re: <u>156</u> Notice of Appeal. Case number 15-10322, Ninth Circuit. (Copies sent by the Ninth Circuit.) (KMG) (Entered: 06/24/2015)
07/02/2015	<u>160</u>	ORDER of USCA as to Gordon Leroy Hall, the motion of appellant's appointed counsel, Stephen C. Kunkle to withdraw as counsel of record and to appoint new ER 1112

		counsel is granted. Counsel will be appointed by separate order. The appointing authority shall send notification of the name, address, and telephone number of appointed counsel to the Clerk of this court within 14 days of locating counsel. New counsel shall designate the reporter's transcripts by August 17, 2015. The transcript is due September 16, 2015. Remaining briefing schedule reset as to 9CCA #15-10322 re: 156 Notice of Appeal. (Copies sent by the Ninth Circuit.) (KMG) (Entered: 07/02/2015)
07/10/2015	163	ORDER APPOINTING COUNSEL as to Gordon Leroy Hall, Daniel Lee Kaplan (FPD) appointed for Defendant, re: 15-10322. Signed by Judge Neil V Wake on 7/9/15.(REW) (Entered: 07/13/2015)
08/10/2015	169	TRANSCRIPT REQUEST by Gordon Leroy Hall for proceedings held on 5/19/14 - 6/16/15, Magistrate Judge Michelle H Burns, Magistrate Judge John A Buttrick, Judge Neil V Wake hearing judge(s) re: 156 Notice of Appeal. (Attachments: # 1 Supplement Page 2)(Kaplan, Daniel) (Entered: 08/10/2015)
08/21/2015	172	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of <i>Initial Appearance/Arraignment</i> proceedings as to Gordon Leroy Hall for date of 05/19/2014 before Magistrate Judge John A. Buttrick re: 156 Notice of Appeal. (Transcriber: Candy L. Potter). The ordering party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/11/2015. Redacted Transcript Deadline set for 9/21/2015. Release of Transcript Restriction set for 11/19/2015. (RAP) (Entered: 08/27/2015)
08/27/2015	173	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of <i>Appointment/Detention Hearing</i> proceedings as to Gordon Leroy Hall for date of 06/13/2014 before Magistrate Judge Michelle H. Burns re: 156 Notice of Appeal. (Transcriber: Linda Schroeder). The ordering party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/17/2015. Redacted Transcript Deadline set for 9/28/2015. Release of Transcript Restriction set for 11/25/2015. (RAP) (Entered: 09/03/2015)
09/04/2015	175	MOTION to Unseal Document by Gordon Leroy Hall. (Attachments: # 1 Text of Proposed Order)(Kaplan, Daniel) (Entered: 09/04/2015)
09/04/2015	176	ORDER granting the Defendant's Motion (Doc. 175) as to Gordon Leroy Hall (1). FURTHER ORDERED that the transcript of the Motion Hearing held before this Court in the above-captioned case on 01/07/15, be unsealed in its entirety solely for the purpose of production to counsel for Defendant Gordon Leroy Hall for use in the prosecution of his appeal and any related proceedings. Signed by Judge Neil V. Wake on 9/4/15. (NKS) (Entered: 09/04/2015)
09/08/2015	177	MOTION to Unseal Document by Gordon Leroy Hall. (Attachments: # 1 Text of Proposed Order)(Kaplan, Daniel) (Entered: 09/08/2015)
09/08/2015	178	ORDER granting the Defendant's Motion (Doc. 177) as to Gordon Leroy Hall

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		(1). FURTHER ORDERED that the transcript of the Trial - Day 3, held before this Court in the above-captioned case on 01/22/15, be unsealed in its entirety solely for the purpose of production to counsel for Defendant Gordon Leroy Hall for use in the prosecution of his appeal and any related proceedings. Signed by Judge Neil V. Wake on 9/8/15. (NKS) (Entered: 09/08/2015)
09/09/2015	179	MOTION to Unseal Document by Gordon Leroy Hall. (Attachments: # 1 Text of Proposed Order)(Kaplan, Daniel) (Entered: 09/09/2015)
09/09/2015	180	ORDER granting the Defendant's Motion (Doc. 179) as to Gordon Leroy Hall (1). FURTHER ORDERED that the transcripts of the Final Pretrial Conference held before this Court in the above-entitled matter on 01/15/15, and the Ex Parte Motion Hearing held on 06/16/15, be unsealed in its entirety solely for the purpose of production to counsel for Defendant Gordon Leroy Hall for use in the prosecution of his appeal and any related proceedings. Signed by Judge Neil V. Wake on 9/9/15. (NKS) (Entered: 09/09/2015)
09/09/2015	181	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of <i>Jury Trial - Day #2</i> (<i>Pages 271 through 589, inclusive.</i>) proceedings as to Gordon Leroy Hall for date of 01/21/2015 before Judge Neil V. Wake re: 156 Notice of Appeal. (Court Reporter: Elizabeth A. Lemke). The ordering party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/30/2015. Redacted Transcript Deadline set for 10/13/2015. Release of Transcript Restriction set for 12/8/2015. (RAP) (Entered: 09/15/2015)
09/09/2015	183	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of <i>Farettta Hearing</i> proceedings as to Gordon Leroy Hall, Benton Tyler Thomas Hall for date of 06/11/2014 before Judge Neil V. Wake re: 156 Notice of Appeal. (Court Reporter: Laurie A. Adams). The ordering party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/30/2015. Redacted Transcript Deadline set for 10/13/2015. Release of Transcript Restriction set for 12/8/2015. (RAP) (Entered: 09/16/2015)
09/09/2015	184	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of <i>Status Conference</i> proceedings as to Gordon Leroy Hall for date of 08/18/2014 before Judge Neil V. Wake re: 156 Notice of Appeal. (Court Reporter: Laurie A. Adams). The ordering party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/30/2015. Redacted Transcript Deadline set for 10/13/2015. Release of Transcript Restriction set for 12/8/2015. (RAP) (Entered: 09/16/2015)
09/09/2015	185	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of <i>Status Conference</i> proceedings as to Gordon Leroy Hall for date of 11/24/2014 before Judge Neil V. Wake re: 156 Notice of Appeal. (Court Reporter: Laurie A. Adams). The ordering

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		party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/30/2015. Redacted Transcript Deadline set for 10/13/2015. Release of Transcript Restriction set for 12/8/2015. (RAP) (Entered: 09/16/2015)
09/09/2015	186	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of <i>Motion Hearing</i> proceedings as to Gordon Leroy Hall for date of 01/07/2015 before Judge Neil V. Wake re: 156 Notice of Appeal. (Court Reporter: Laurie A. Adams). The ordering party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/30/2015. Redacted Transcript Deadline set for 10/13/2015. Release of Transcript Restriction set for 12/8/2015. (RAP) (Entered: 09/16/2015)
09/09/2015	189	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of <i>Final Pretrial Conference</i> proceedings as to Gordon Leroy Hall for date of 01/15/2015 before Judge Neil V. Wake re: 156 Notice of Appeal. (Court Reporter: Laurie A. Adams). The ordering party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/30/2015. Redacted Transcript Deadline set for 10/13/2015. Release of Transcript Restriction set for 12/8/2015. (RAP) (Entered: 09/16/2015)
09/09/2015	191	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of <i>Jury Trial - Day 1 (Pages 1 through 270, inclusive.)</i> proceedings as to Gordon Leroy Hall for date of 01/20/2015 before Judge Neil V. Wake re: 156 Notice of Appeal. (Court Reporter: Laurie A. Adams). The ordering party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/30/2015. Redacted Transcript Deadline set for 10/13/2015. Release of Transcript Restriction set for 12/8/2015. (RAP) (Entered: 09/16/2015)
09/09/2015	192	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of <i>Jury Trial - Day 3 - Jury Verdict (Pages 765 through 771, inclusive.)</i> proceedings as to Gordon Leroy Hall for date of 01/22/2015 before Judge Neil V. Wake re: 156 Notice of Appeal. (Court Reporter: Laurie A. Adams). The ordering party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/30/2015. Redacted Transcript Deadline set for 10/13/2015. Release of Transcript Restriction set for 12/8/2015. (RAP) (Entered: 09/16/2015)

09/09/2015	193	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of <i>Status Hearing re: Sentencing</i> proceedings as to Gordon Leroy Hall for date of 06/15/2015 before Judge Neil V. Wake re: 156 Notice of Appeal. (Court Reporter: Laurie A. Adams). The ordering party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/30/2015. Redacted Transcript Deadline set for 10/13/2015. Release of Transcript Restriction set for 12/8/2015. (RAP) (Entered: 09/16/2015)
09/09/2015	194	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of <i>Sentencing</i> proceedings as to Gordon Leroy Hall for date of 06/16/2015 before Judge Neil V. Wake re: 156 Notice of Appeal. (Court Reporter: Laurie A. Adams). The ordering party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/30/2015. Redacted Transcript Deadline set for 10/13/2015. Release of Transcript Restriction set for 12/8/2015. (RAP) (Entered: 09/16/2015)

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that I caused the foregoing **Defendant-Appellant's** **Excerpts of Record, Volumes 1 through 5**, to be submitted to the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit on April 5, 2016, using the appellate CM/ECF system. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/Daniel L. Kaplan
DANIEL L. KAPLAN
Assistant Federal Public Defender
Attorney for Defendant - Appellant